

**THE HOUSING AUTHORITY OF THE BOROUGH
OF LODI**

**ADMISSIONS AND CONTINUED OCCUPANCY
POLICY**

REVISED JULY 2000

To comply with QHWRA '98

& 24 CFR Parts 5,880,et.al Final Rule Wed. 3/29/00

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Board of Commissioners**

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**ADMISSIONS & CONTINUED OCCUPANCY POLICY REGULATING HUD-AIDED
LOW-RENT PUBLIC HOUSING OPERATED BY THE HOUSING AUTHORITY OF
THE BOROUGH OF LODI**

SECTION I: A. PREAMBLE AND PURPOSE

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 amended the United States Housing Act of 1937. The reasons for said amendments were to make comprehensive changes to the Department of Housing and Urban Developments (HUD's) public housing, tenant-based assistance, and Section 8 project-based programs. Some of the reforms made by QHWRA directly affect public housing, and some affect only Section 8 tenant-based and project-based programs. This Admissions and Continued Occupancy Policy (ACOP) will address those provisions that directly impact on the management of low-rent public housing and its affect on its applicants and/or residents and surrounding community.

The purpose of this policy is to explain the policies, rules and procedures of the Housing Authority of the Borough of Lodi [hereinafter refer to as LHA] as they relate to the admissions of the and continued occupancy of residents in public housing. It outlines HUD's regulations and establishes LHA's discretionary policies and procedures.

The function, responsibilities and administration of the LHA's low-rent public housing program Shall be in compliance with the authorities Personnel Policy [as it relates to staff] this ACOP, the requirements stipulated by the Department of Housing and Urban Development, all applicable State, Federal and local laws. Fair Housing Laws and Regulations HUD's regulations, Handbooks, Guidebooks, and Notices. All applicable Federal Regulations are included in 24 CFR, Parts V, VII and IX of the Code of Federal Regulations. Changes in federal law and regulations and applicable State law shall supersede provisions in conflict with this Admissions and Continued Occupancy Policy.

B. LODI HOUSING AUTHORITY'S MISSION STATEMENT.

The Lodi Housing Authority is dedicated to providing its community with quality affordable housing that is decent, safe, well maintained and free from drugs and violent crime. We are committed to reducing the concentration of poverty in public housing. We seek to create safe neighborhoods by forming partnership with individuals and organizations to provide housing, education and employment opportunities for low income families to become self-sufficient and improve their quality of life.

C. FAIR HOUSING POLICY

This policy was developed and adopted to comply with all applicable laws relating to Civil Rights, including Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR part 1. The Fair Housing Act (42 U.S.C. 3602-3619) the implementing regulations at 24 CFR parts 100, 108, 109, and 110. Title VIII of the Civil Rights

Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988). Executive order 11063 on Equal Opportunity in Housing and the implementing regulations at 24 CFR 107; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR part 8; The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR part 146; and Title II of The Americans with Disabilities Act (42 U.S.C. 12101-12213) to the extent applicable; Section 214 of the Housing and Community Development Act of 1980; and the implementing regulations at 24 CFR 200 et.al. Federal Register 3/20/95; One Strike and You're Out of 1996; Occupancy Provisions of the Housing Opportunity Program Extension Act of 1996; and any applicable state laws or local ordinances and any legislation protecting the individual rights of residents, applicants, or staff that may subsequently be enacted.

The Housing Authority of the Borough of Lodi shall not discriminate on the basis of race, religion, sex, color, national origin, age, marital status, sexual orientation, disability, and familial status in the leasing, rental, or other disposition of housing or related facilities (including land) included in any project or projects under its jurisdiction covered by a contract for Annual Contributions Contract (ACC) under the United States Housing Act of 1937, as amended, or in the use of occupancy thereof.

The Housing Authority shall not automatically deny admission to a particular group or category of otherwise eligible applicants (e.g., unwed mothers, family's with children born out of wedlock, elderly pet owners, or families whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine. Procedures will be applied objectively in dealing with both applicants and residents. Only an individual's particular behavior may be considered not traits that might be attributed to a specific group or category of persons. Rationale for all decisions will be documented.

The LHA shall not on account of race, color, sex, religion, age, marital status, sexual orientation, disability, national origin or familial status;

- Deny to any family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease such housing suitable to its needs;
- Provide housing that is different from that provided to others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the public housing program;
- Treat a person differently in determining eligibility or other requirement for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the public housing program. (7465.1 REV-2)

The LHA files with respect to applications for admissions to any low-income housing assisted under the United States Housing Act of 1937, as amended, shall indicate for each application the date and time of receipt; the determination of the Housing Authority as to eligibility or non-

eligibility of the applicant, where eligible, the unit size for which eligible, the preference rating, if any, and the date, location, identification and circumstances of each vacancy offered and accepted or rejected.

The Authority must obtain a written application, signed by a responsible member of the family, which will contain all data and information necessary to enable the Authority to determine whether the family meets the conditions for admission.

All applications will be dated, time will be manually written and referred to a central resident selection and assignment office.

All applications prior to determination of eligibility or ineligibility shall be entered on a chronological basis in a master application listing. Such a listing shall be maintained in a bound book and shall at minimum include the applicant's name, date of application, race sex, family size, elderly or handicapped status, and preference status.

LHA will identify and correct situations or procedures that create a barrier to equal housing opportunity for all. Housing Authority will make structural modifications to its housing and non-housing facilities, in accordance with Section 504, and the Fair Housing Amendments Act of 1988, to make reasonable accommodations, or combination of the two, to permit individuals with disabilities to take full advantage of the housing program.

In making reasonable accommodations or structural modifications for otherwise qualified persons with disabilities, LHA is not required to:

- (1) In an existing housing program, make each of its existing facilities accessible or make structural alterations when other methods can be demonstrated to achieve the same effect;
- (2) Make structural alterations that require the removal or altering of a load-bearing structural member
- (3) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
- (4) Take any action that would result in a fundamental alteration in the nature of the program;
- (5) Take any action that would result in undue financial and administrative burden on the LHA.

LHA will not permit these policies to be subverted to do personal and/or political favors. Accepting an applicant from a lower waiting list position before one in a higher position violates

policy, federal law, and the civil rights of the other families on the waiting list. [24 CFR ~ 906.204 (a) (3) (ii).] *

***NOTE:** Section 513 of the Quality Housing and work Responsibility Act (QHWRA), stipulates that the skipping of a family on a waiting list to reach another family to implement the deconcentration policy, shall not be considered an adverse action.

D. POLICIES, RULES AND REGULATIONS

1. The LHA's written ACOP does not have to be submitted to the HUD Field Office for approval, but must be available for audit.
2. Policies and revisions shall be duly adopted by Resolution by the Board of Commissioners of the Housing Authority of the Borough of Lodi.
3. LHA's discretionary policies shall be included in the PHA Agency/Annual Plan.
4. Copies of policies, rules and regulations shall be posted in Administrative Offices and furnished to applicants/residents upon request.
5. The purpose of the PHA Annual Plan is to stipulate and clarify LHA's policies, thereby avoiding misunderstanding between LHA staff and residents, and provide consistency of administration.

E. LOCAL OBJECTIVES

LHA's Admissions and Continued Occupancy Policy is developed to demonstrate that LHA is administering its program in a manner that reflects its commitment to improving the quality of the housing stock available to its community. LHA's capability and capacity to administer the housing program in a manner that demonstrates its responsibility to the public trust. Furthermore, said Admissions and Continue Occupancy Policy is designed to accomplish the following objectives:

1. To avoid the concentration of economically and socially deprived families in any and all LHA's developments.
2. To ensure compliance with all Fair Housing Laws and Civil Rights Act of 1964 and all applicable Federal, State and Local Laws and regulations.
3. To provide affordable housing that is safe, decent, well maintained, free from drugs and violent crime.
4. To provide opportunities for upward mobility/self sufficiency for those families that desire to open new doors and reach their goals.
5. To work in conjunction with the community and form partnerships with individuals and organizations in an effort to provide educational and employment opportunities.

6. To enhance the quality of life for our residents and their families.
7. To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely impact the health, safety, comfort, or welfare of other residents or physical environment of the neighborhood, or create a danger to LHA's employees.

F. ACCESSIBILITY AND PLAIN LANGUAGE

1. Facilities and programs used by residents and/or applicants must be made accessible to a full range of disabilities; i.e. Administrative Office, Community Rooms, Laundry facilities, etc. In the event that these facilities are not already accessible, they shall be made so subject to undue financial and administrative burden test.
2. Documents (or recording) and/or forms designed for use by applicants and/or residents will be made available in formats accessible for those with vision or hearing impairments (when applicable). Furthermore, the documents or recordings should be written/spoken simply and clearly in an effort to enable applicants with learning or cognitive disabilities to understand as much as possible. If required by local law, documents may have to be translated into languages other than English.
3. In order for the applicant/resident to understand the issues involved, it is advisable to describe some of the concepts regarding eligibility, rent computation, applicant screening, lease compliance, etc. clearly and provide examples of same whenever possible.
4. The LHA staff will ask all applicants whether they need some form of communication other than plain language paperwork. Optional forms of communication might include: sign language, having materials explained orally by staff, large type print, translation from English to dominant language by staff or friend, relative or advocate, etc.
5. At a minimum LHA will prepare the following information in plain language accessible formats:

- The Application Form
- Information pertaining to application process
- Orientation materials for new residents
- Marketing and informational materials
- The Lease and House Rules
- All information pertaining to applicant's rights (to informal hearings, etc.)
- All form letters, notices, to applicants and residents
- Information about opening, updating or **closing** the waiting list

G. MARKETING [Outreach to Families]

1. It is the policy of LHA to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts will take into consideration the level of vacancy in the housing authority's units, availability of units through turnover, and waiting list

characteristics. LHA will periodically assess these factors in order to determine the need for and scope of any marketing efforts.

2. Marketing and informational materials will be subject to the following:

- All marketing materials must comply with Fair Housing Act requirements with respect to wording, logo, size of type, etc.;
- Marketing should describe the housing units, application process, waiting list and preference structure accurately;

Marketing should be “plain language” and should use more than strictly English-language print media;

- An effort should be made to target all agencies that serve and advocate for potentially qualified applicants (e.g. the disabled, to ensure that accessible/adaptable units are used by people who can best take advantage of their features).
- LHA will work with broadcast media and provide them with fact sheets in an effort to reach those individuals who do not or cannot read the newspapers.
- Marketing materials should make clear who is eligible: individuals and families, people with both physical and mental disabilities.
- Housing Authority’s responsibility to provide reasonable accommodations to people with disabilities should be made clear.

H. APPLICANTS AND RESIDENTS PRIVACY RIGHTS

All applicants are required to sign form HUD 9886, “Authorization for Release of Information and Privacy Act Notice.” This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information. LHA’s policy pertaining to release of information is in accordance with State and local laws that may restrict the release of family information.

Information which would guide one to determine the nature and/or severity of an applicant’s or resident’s disability should be kept in a separate file and marked “confidential”. The personal information in this file must not be released except on an “as needed basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Executive Director or his designee.

LHA files will never be left unattended or placed in common areas (LHA discretionary policy).

LHA staff has been instructed that all applicant/residents family information and financial information contained in their files will not be discussed or access unless there is a business reason to do so.

Improper discussion of applicant/resident information will have serious disciplinary action (LHA discretionary policy).

I. PROGRAMS ETHICS

The LHA is committed to assure that the correct level of benefits is paid to all residents, and that the resources available at the LHA reach only those income-eligible families in order to maintain program integrity.

Therefore, the LHA will take all necessary steps to prevent fraud, waste and mismanagement.

So that program resources are utilized judiciously. Under no circumstances will the LHA undertake an inquiry or an audit of a resident family arbitrarily. It is expected that each resident family will comply with the requirements set forth in this ACOP, HUD rules and regulations, State and local law as applicable, provisions of the lease, and other program rules.

LHA staff during pre-occupancy training [and during tenancy] will make every effort to respond to all questions brought forth by the applicants in an effort to orient and educate all families in order to avoid unintentional violations of set policies. LHA has a responsibility to its residents, its community, and HUD, to monitor residents' lease obligations for compliance and when indicators of possible abuse come to the LHA's attention to investigate such claims.

J. POSTING REQUIREMENTS

LHA will maintain a bulletin board in the waiting room of the Administration Office containing the following information:

- Admissions and Continued Occupancy Policy
- Information on Application Taking
- Name and Address of LHA Developments
- Hours Administration Office is Open
- Income Limits for Admission
- Resident Selection Criteria
- A Copy of Lease
- LHA's Grievance Procedure
- List of Current Maintenance Charges & Other Charges
- Current Resident Notices
- A Fair Housing Poster
- An Equal Opportunity in Employment Poster
- LHA's Preference System
- Ceiling Rents
- Flat Rents
- Mission Statement
- One Strike Policy

SECTION II: ELIGIBILITY FOR ADMISSIONS AND APPLYING FOR ADMISSIONS

A. ELIGIBILITY FOR ADMISSION

LHA will admit as residents, applicants who, at the time of Admission meet all the following requirements:

1. Who qualify as a family as defined in this policy
2. Whose Annual Income* at time of admission, does not exceed the income limits for occupancy, established by The Department of Housing and Urban Development (HUD) and posted separately at LHA's Administration Building.

***NOTE:** Annual Income is compared to HUD established income limits (Exhibit A. Section XI) and is applied only at admissions as a criteria for eligibility .

3. Individuals who are citizens, nationals, and certain categories of eligible immigrants, (refer to Section II). However, in order to determine the family type and eligibility status of any family, the eligibility of each individual in the family must be established first in accordance with 24 CFR Part 200 and Part 5 Subpart E. At least one member of the family is a citizen or has eligible immigration status.

4. Families who provide certification, disclosure, and documentation regarding Social Security Numbers (SSN) for all family members, age 6 or older, or can document and certify that they do not have Social Security Numbers.

5. Meets or exceeds the Applicant Selection Criteria set forth in Section III of these policies, including attending and successfully completing the LHA's approved pre-occupancy class.

6. Is not currently adequately housed in a LHA dwelling unit. Applicants who are listed on a current Housing Authority dwelling lease (or are part of the household as verified by housing authority records) and reside in a unit meeting the occupancy standards for the family size are not qualified for admission. And will not be placed on the waiting list for new applicants. (LHA may make exceptions to this requirement due to emergency conditions including, but not limited to severe harassment, hate crimes, and witness protection, as authorized by LHA Executive Director or designee).[LHA discretionary policy.]

NOTE: The QHWRA of 1998 stipulates that 40% of the housing authorities annual admission must meet the targeted income requirement of extremely low-income families; families whose income does not exceed 30% of median area income, this establishes the deconcentration requirement. Once the LHA has met the target income requirement, QHWRA authorizes the authorities to admit families whose income does not exceed 80% of median area income or low-income limit.

7. Applicants who are of legal age of emancipation, according to State Statute.
8. To be eligible for Public Housing, the family must be a suitable tenant.
9. Income limits are based on family size; therefore a change in household composition may/will affect the family's income eligibility for admission.
10. The Housing Authority must have a unit of appropriate size in inventory that does not violate the Housing Authority's Occupancy Policies.

The QHWRA of 1998, allows the PHAs to provide occupancy to police officers who is not otherwise eligible for residence in public housing to reside in a public housing unit in order to increase security for the residents of a public housing development. Police Officers will not be required to be income eligible to qualify for admissions to the LHA's public housing program.

***NOTE:** In accordance with Federal Register QHWRA Notice, 2/18/99; Small Public Housing Authorities (PHA's) may rent units to Over-Income families on a month-to-month basis, in accordance with statutory requirements, providing there are no eligible families applying for housing for that month.

A condition to be stipulated on a month-to-month lease when renting to an over-income family is that said family must agree to vacate unit [with 30 day notice] when it is needed for an income-eligible family (this applies only to PHAs with 250 units or less).

In the event that the LHA elects to house over-income families when other families are not available, LHA will publish a 30-day notice of unit availability in at least one newspaper of general circulation.

B. OTHER ELIGIBILITY FACTORS

In compliance with its statement of purpose and objectives and in adherence to its policy of achieving a socially and economically viable resident body. LHA through its resident selection process, has determined that it will accept for admission to its public housing developments only those applicants who at the time of application screening can demonstrate the ability to comply with essential provisions of the Lease. All Applicants must demonstrate through an assessment of current and past behavior the ability:

1. The ability to meet financial obligations, rent, and other charges as required by the lease in a timely manner;
2. To care for and avoid damaging the unit and common areas;
3. To use facilities and equipment in a reasonable way;

4. To create no health, or safety hazards, and to report maintenance needs;
5. Not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
6. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not to engage in drug-related criminal activity on or near housing authority premises;
7. To comply with necessary and reasonable rules and program requirements of HUD and the LHA;
8. To comply with health and safety codes.
9. Not to have had history of criminal activity involving crimes of physical violence nor record of past performance (i.e. Sex Offenders) which might adversely affect the health and safety or welfare of other residents.
10. Not to have housekeeping habits at prior residence which may adversely affect the health, safety or welfare of other residents.
11. Who conform to occupancy standards set forth in section II (E) of this policy.
12. Not to have had a history of fraud, breach of agreement, outstanding indebtedness or violation of obligation with any Federal or State housing program
13. To take responsibility for action of family members on the lease or visiting to maintain both the apartment they are seeking to lease as well as the common area of the development in which the apartment is located in a safe, healthy and sanitary condition.

All factors affecting eligibility will be verified prior to placing the applicant on the waiting list.

C. HOW TO APPLY FOR ADMISSION

The intake process serves a dual purpose. First, to obtain information about the family, and secondly, to provide information to the family so that an accurate and timely decision of eligibility can be made.

1. Families who wish to apply for housing must complete a written application form.
2. Upon request applications will be made available in an accessible form for persons with a disability.
3. Applications are accepted at the administration office the third (3rd) Wednesday of every month from 9:00 AM to 3:30 PM. Presently, the accepting of applications are suspended.

4. In order to insure that very low-income families are not discriminated against. It shall be the policy of the LHA to admit on an annual basis not less than 40% of all families with income at or below 30% of area median income in accordance with the income targeting provisions of the QHWRA of 1998.
5. Applications will be given only to applicants of legal age of emancipation according to State Statute.
6. All applications received shall be dated and maintained in the central office. Each application shall be assigned an appropriate place on the community-wide waiting list in sequence based upon date the application was received, suitable type and size of unit and other factors affecting preference/priority as established by the LHA's Written Preference Selection Criteria. Not inconsistent with the objectives of Title III of the Civil Rights Act of 1964. LHA's objectives stipulated in section I of this policy and the HUD regulations and requirements pursuant thereof.
7. Income limits are based on family size; therefore, if a change in household composition may/will affect family's income eligibility. It is the responsibility of the eligible family on the waiting list to notify the administration office of any change in family composition/income.
8. The application process has two stages; 1. Initial application for admission is taken, application is dated, time is manually written in and referred to intake interviewer; 2. Application is then put on a process list and complete screening process is conducted; after information is verified.

D. PROCESSING APPLICATION FOR ADMISSIONS

It is the LHA's policy to accept and process application in accordance with applicable HUD Regulations.

- An application must be completed and signed by the head of the household and/or spouse, and other responsible adult members (who are of legal age of emancipation according to State Statute).
- LHA will not allow a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is less than 18 years of age.

- At the time the application is completed, LHA's Intake personnel will interview the applicant and obtain the following information:

- (1) Family composition and type (Elderly/Near-Elderly/Non-Elderly).
- (2) Name of head of household & spouse
- (3) Name of adult members & age of all members
- (4) Annual Income Checklist
- (5) Asset and Asset Income
- (6) Deduction from Annual Income
- (7) LHA's Written Preference System Qualification
- (8) Social Security Verification/Certification of all family members
- (9) Citizenship or eligible Immigration Status
- (10) Criminal History Report (arrests/convictions for drug related or violent criminal activity)
- (11) The Reform Act allows PHA's to conduct sex offender criminal history check
- (12) Information regarding request for reasonable accommodation or for accessible unit
- (13) Race/ethnicity
- (14) Names & address of current & previous landlords
- (15) Emergency contact person
- (16) Previous participation in HUD program/s if applicable
- (17) Credit Check will be conducted.

Duplicate applications, including applications from portions of an applicant household will not be accepted.

Applicants are requested to inform the LHA in writing and/or by phone of any changes in family composition, income, and address, as well as changes in preference status.

Applicants are also required to respond to request from the LHA to update information on their application, or to determine their continued interest in obtaining housing.

Applicants will be advised that failure to provide the required information on a timely manner or to respond to mailings will result in the applicant being removed from the waiting list (unless they can prove good cause, each case will be dealt with on a case by case basis).

Before leaving the interview, applicants will be required to sign releases for information needed to determine eligibility, annual and adjusted income, local preference qualification or LHA's Written Preference System applicant screening. [7465.1 REV-2, paragraph 2(b) (4)]

Preliminary Determination of Eligibility - The Authority will review all applications and will, within 60 days, notify the applicant by mail of apparent eligibility, based solely on statements made on the application and checklists completed at the Application Interview. (7465.1 REV-2, paragraph 2-13(4)).

The status of those applicants which are apparently eligible but have not provided the Housing Authority with the proper certification/verification documentation

The processing entity may in its discretion and in such circumstances as it may permit, extend this period for up to an additional 60 days, if the individual is at least 62 years of age or disabled and is unable to submit the required documentation within the initial 60 day period.

Once a particular family member has documented their Social Security Number, they never need to do it again.

Re-verification or re-documentation of a particular Social Security Number is not required after it has been documented once. The only times that subsequent disclosure and documentation of any Social Security Number is required is under the following circumstances:

- a. If the family adds a new member who is age six or older, then that new member must disclose and document their Social Security Number, or certify that no Social Security Number has been assigned.
- b. If a family member age six or older is assigned a new Social Security Number, then that family member must disclose and document this new SSN.
- c. If a family member age six or older, who previously certified that no SSN had been assigned to them, subsequently is assigned a SSN, then that new SSN must be disclosed and documented.

The status of applicants who appear to qualify for LHA's Written Preference System will be verified as soon as possible after the initial interview. Such applicants will be then informed of their status with one of the following two letters:

1. Applicants who qualify for one or more of the LHA Written Preferences will be sent the letter headed "You have been verified to qualify for the following LHA's Written Preference(s)"
2. Applicants who have been determined not to qualify for a LHA Written Preference System will be sent the letter headed, "You do not qualify for the LHA's Written Preference System because,"

Such applicants will be given 10 days to set up an informal meeting to discuss the rejection of their LHA Written Preference System and will be advised of their right to due process in a court

of law if they feel the decision was based upon illegal discrimination. The informal meeting, if it takes place, may be conducted by the Executive Director or assigned employee who denied the LHA Written Preference System and one other LHA employee.

At the informal meeting, the LHA is under no obligation to justify or defend either its definitions of the Written Preference System categories, or its verification requirements relating to the LHA's Written Preferences. The Authority need only justify its decision to award or deny the Preferences.

Once the above steps are completed, the application will be placed on a waiting list based on the size and type of unit required, authority preferences for resident selection, and the date of application filing.

Applicants will then be notified of their place on the waiting list and how long a wait they may reasonably expect on the waiting list before getting to the top of the waiting list.

Once the verification process is completed, the LHA will make a final determination of eligibility. This decision is based upon the information provided by the family, the verification completed by the LHA, and the resident suitability determination. Since the Department of Housing and Urban Development (HUD) can make changes in rules or regulations and family circumstances may have changed during the review process that directly affect an applicant's eligibility, it is essential to make final eligibility determination.

E. RESIDENT SELECTION CRITERIA

In accordance with 24 CFR 960.204(b) Resident Selection Policies [written] must be duly adopted and publicized by:

- a) Posting copies in administration office where applications are received
- b) Providing copies to residents upon request.

1. Resident selection criteria established and information considered shall be reasonably related to the individual/s attributes and behavior of the applicant/s and shall not be related to those which may be imputed to a particular group or category of persons of which an applicant/s may be a member.

The LHA may use preferences based on the employment status of family members.

2. The objectives of Resident Selection are:

- a) To avoid concentration of families with serious social problems in LHA developments

b) To determine whether the conduct of the applicant in present or prior housing has been such as would not 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 adversely affect the physical environment of the development.

c) To determine whether the present or past conduct of the applicant indicates that if the applicant were admitted to the development it would adversely affect the financial stability of the development.

Relevant information respecting habits or practices to be considered may include, but is not limited to:

- (1) An applicant's past performance in meeting financial obligations, especially rent;
- (2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents;
- (3) A history of criminal activity involving crimes of physical violence to person or property and other criminal acts which would adversely affect the health, safety or welfare of other residents.
- (4) To prohibit admission of persons who are subject to a lifetime registration requirement under a State Sex Offender Registration Program.
- (5) Have demonstrated by past performance and behavior that family members are likely to obey all rules and regulations as embodied in the resident's lease, as well as the rules and regulations embodied herein.
- (6) Have demonstrated by past behavior that family members will take affirmative action to maintain the unit they are seeking to lease as well as the common area of the development in which the unit is located in a safe, healthy and sanitary condition.
- (7) Have no history of fraud, breach of agreement, outstanding indebtedness or violations of obligation with any Federal housing program.
- (8) Who conform to the occupancy standards set forth in section II E of this policy.

The criteria established by LHA is reasonably related to attaining, to the maximum extent feasible, a resident body in each development that is composed of families with a broad range of incomes. LHA has developed criteria, by local preference or otherwise, which will be reasonably calculated to attain the basic objective. The criteria developed is sufficiently flexible to assure administration flexibility. However, a dwelling unit will not be allowed to remain vacant for the purpose of awaiting application by a family within the appropriate income range.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct. And to the factors which might indicate a reasonable probability of favorable future conduct or financial prospects. For example:

- (1) Evidence of rehabilitation;
- (2) Evidence of the applicant family's participation in unwillingness to participate in social service or other appropriate counseling service programs and availability of such programs;
- (3) Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the LHA'S locality.

F. OCCUPANCY STANDARDS

LHA has established Occupancy Standards to ensure that dwelling units are occupied by families of the appropriate size. These standards maintain the usefulness of the units, while preserving them from excessive wear and tear or under utilization.

HUD does not specify the number of persons who may live in public housing units of various sizes.

LHA does not determine who shares a bedroom, but there must be at least one person per bedroom. The Occupancy Standards for determining unit size will be applied in a manner consistent with Fair housing guidelines.

The LHA has adopted (to be used as a guideline only) the Occupancy Standards provided by HUD.

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

Exceptions to the maximum standards may be made in case of reasonable accommodations for a person with disabilities, emergencies, and at the discretion of the Executive Director or designee. Further, LHA has the right to permit families exceeding the maximums shown above, to occupy units when the family requests such occupancy, and when housing authority determines that the unit in question is large enough.

In order to determine if a family's request to exceed the unit maximums is reasonable, LHA will use the applicable code standard for occupancy. If no such code exists or housing authority has reason to believe that the local code standard may be discriminating then the BOCA housing code standard will be used.

Families may choose to be placed on the waiting list for a unit one bedroom size smaller than that designated on the chart. A family that chooses to occupy a smaller size unit must agree not to request a transfer until their family size changes.

Families will not be placed on the waiting list for a larger unit unless there is a verifiable medical reason or reasonable accommodation that requires that the family be placed in a larger size unit.

An unborn child **will not** be counted as a person in determining unit size. A single pregnant woman may be assigned to a one bedroom unit. In assigning a unit, LHA will also consider a child who is temporarily away from the home because of placement in foster care or kinship care.

Dwelling units will be so assigned that:

- a) It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom. Exceptions may be made for infants and young children or at the request of the family.
- b) For verified reasons of health (disability, addition of a live-in aide, need for medical equipment, etc.), a separate bedroom may be provided for an individual family member.
- c) Two children of the opposite sex will not be required to share a bedroom except at the request of the family.
- d) The living room will not be used as a bedroom except at the request of the family.
- e) A single head of household parent shall not be required (but may choose) to share a bedroom with his/her children.
- f) Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under the age of 2).
- g) Foster children will be included in determining unit size only if they will be in the unit for more than 6 months.

- h) For Occupancy Standards, an adult is a person 18 years of age or older [or an emancipated minor].
- i) Live-in attendant will generally be provided a separate bedroom. However, no additional bedrooms are provided for the attendant's family.
- j) A Separate bedroom may be provided for a child who is away at school but who lives with the family during school recess.
- k) Single person families shall be allocated zero or one bedroom unit depending on circumstances.
- l) Residents shall not be transferred to a dwelling unit of equal size, whether within a development or between sites, except for alleviating hardship as determined by the Executive Director or his designee.

When it is found that the size of the dwelling unit is no longer suitable for the family in accordance with these Occupancy Standards, the family will be required to move as soon as a dwelling unit of the appropriate size becomes available. To the extent possible, needed transfers will take precedence over new admissions.

NOTE: The above options will be discussed with each applicant family. Families will also be updated as to the status and placement on the waiting lists and sub-lists maintained by LHA. Families shall be asked to declare in writing the waiting list on which they wish to be placed. If a family opts for a smaller unit size than would normally be assigned under the above standards, the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.

Residents will be assigned to development (dwelling units) in accordance with section XII C to assure equal opportunity and nondiscrimination on the grounds of race, color, sex or national origin and to avoid segregation.

G. EXCEPTIONS TO OCCUPANCY STANDARDS

LHA will grant exceptions from the Occupancy Standards in cases where it is the family's request or if the LHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. However, if an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following standards will apply:

- Applicants may request to be placed on the waiting list for a unit size smaller than required by the occupancy standards, [as long as the unit is not

overcrowded according with local codes]. The family, must agree not to request a transfer until such time that their family composition changes or have occupied the unit for a total of two years whichever comes first. (LHA's discretionary rule).

- At the discretion of the LHA the family may be offered a unit smaller than required by dwelling unit size, based on the LHA's occupancy standard, if in doing so the family will be offered a unit and an opportunity to be housed earlier.(LHA's discretionary rule).
- LHA may offer a family a dwelling unit larger than required by occupancy standards, if the waiting list is short of families large enough to fill the vacancy. Or the LHA concludes that the common area for the development is insufficient for accommodating any additional large families.
- An applicant family may request to be placed on a larger bedroom size waiting list than indicated by the LHA's occupancy standard. The request must explain (in writing) the need for a larger bedroom size unit, and must be verified by the LHA intake personnel prior to placing the family on a larger bedroom size waiting list.
- The LHA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is verified and is in compliance with accessibility and accommodations policy as stipulated herein.
- Other circumstances may arise where the need for a larger unit is essential. In cases where persons cannot share a bedroom due to medical reasons and/or need for medical equipment due to size and/or function. Request for a larger unit for medical reasons must be verified by a doctor.
- Request based on health related reasons must be verified by doctor, medical professional or social service professional depending on the condition.
- LHA may allow occupancy by Police Officers in order to provide an increase sense of security for the residents of the developments. Police Officers are not required to be income eligible to qualify for admission to the LHA's development.

In all cases, where the family requests an exception to the Occupancy Standards, the LHA shall evaluate the relationship and ages of all family members and overall size of unit, and document action taken.

To avoid vacancies, the LHA may provide a family with a larger unit than the occupancy standards dictate. However, the family must agree that once a suitable unit becomes available they will move. This requirement is a provision of the lease.

All members of the family residing in the unit must be approved by the LHA and name listed on the lease. The family must obtain approval of any additional family member before the family member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the LHA within 5 days.

H. INCENTIVES TO ATTRACT HIGHER INCOME FAMILIES TO LOWER INCOME DEVELOPMENTS

LHA may modify [at its discretion] the occupancy standards in an effort to attract higher income families to lower income developments in compliance with the deconcentration policy.

1. One child per bedroom for every child over 10 (gender will be a considering factor),
2. One bedroom may be used for other purpose other than a bedroom, such as study room.

I. ACCESSIBLE UNITS

Units designed and constructed for families with mobility, sight and hearing impairments and specifically meet the needs of persons requiring the use of a wheelchair and persons with other modification will not be offered to persons or families that do not need accessible unit.

However, if there are no applicants on the waiting list in need of an accessible unit, then and only then will the unit be offered to a non-mobility impaired applicant not to maintain the unit vacant,

With the understanding that the non-mobility impaired applicant will accept to transfer to a non-accessible unit at a later date, if a person with need of an accessible unit applies for housing and is determined eligible.

NOTE: If the situation arises where the occupancy standards previously mention cannot be used as guidelines, the situation should be taken to the Executive Director or his designee who will make the final determination after review of the situation, the individual circumstances, and verification provided. All decisions will be documented.

J. FAMILY COMPOSITION

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

A group of persons as defined by the LHA are two or more persons who intend to share residency whose income and resources are available to meet the family's needs, and will live together in LHA development (in the same dwelling unit).

The term "**Family**" also includes, but is not limited to:

- a) A family with or without children;
- b) An elderly family;
- c) A disabled family;
- d) A displaced family;
- e) The remaining member of a family;
- f) A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a resident family;
- g) Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family.
- h) Two or more near-elderly persons living together, or one or more near-elderly persons living with one or more live-in aides.

Children who are temporarily absent from the home due to placement in foster care are considered to be part of the household.

NOTE: The terms displaced person, elderly person, low income family, near-elderly person, person with disabilities, and very low income family are defined for purposes of reasonable accommodation and program accessibility.

A Disabled family means a family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

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

Elderly Family means a family whose head, spouse or sole member is at least 62 years of age, or two or more persons at least 62 years of age living together, or one or more persons at least 62 years of age living with one or more live-in aides.

Near-Elderly family means a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Head of Household: The head of household is the adult member of the household who is designated by the family as head, is completely or partly responsible for paying the rent, and has legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law will be recognized as head of household if there is a court order recognizing them as emancipated minor (LHA discretionary rule).

Spouse of head: Spouse means the husband/wife of the head of household. Regarding the application of the Non citizens Rule Spouse is the marriage partner who, in order to dissolve the relationship, family would have to divorce. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-head: An individual in the household who is equally responsible for the lease with the head of household. A household may have a spouse or co-head, not both. A co-head does not qualify as a dependant.

If a single person is pregnant there is no allowance for the unborn child, income limit used is for one person family, third-party verification is allowed if the LHA deems it necessary (i.e. physician's certificate). In accordance with the Federal Register of 2/13/96, the LHA is not required to distinguish single pregnant women from any other group of singles.

If after admission a person with a disability "recovers" the family can remain in housing, However they are no longer considered a "disabled family". The LHA staff should make the appropriate adjustments to the family's allowable deductions.

According to QHWRA, HUD no longer requires housing authorities to provide the singles preference. However it is the option of the LHA to continue to provide one or two person elderly, disabled or displaced families a preference over single persons who are not elderly, displaced, or persons with disabilities, regardless of their local preference status.

Single persons are eligible if they meet other eligibility criteria. A single person may be:

- An elderly person (62 years of age and over)
- A displaced person
- A disabled person
- Any other single person who is not elderly, displaced or disabled, or the remaining

Foster Children: Foster children are considered for occupancy standards but do not qualify for the \$480.00 dependent allowance. Families may have foster children as well as foster adults living with them in the units as long as it does not result in

overcrowding. Families must first inform LHA prior to moving a foster child in the unit.

Child Custody: LHA must determine whether to count a child as part of the family in the following circumstances:

- A family member who does not have full custody of the child.
- A child who lives only part of the time with the applicant.

In determining whether to include the child as part of family the LHA Intake Personnel will consider the amount of time child spends with applicant family and or resident,

In cases where the child does not reside with the applicant, the LHA will consider the child part of the family only if there is evidence that the child will reside with the applicant family once they are offered a unit for housing.

Keep in mind that the same child cannot be claimed by more than one applicant. In the case where the child is considered by LHA intake personnel as part of the applicant family/or resident family, the typical determinations on income and allowances are to be made.

Live-in aide: a person who resides with an elderly person(s) or person(s) with disabilities and who: 1. Is determined by LHA to be essential to the care and well being of the person(s); 2. Is not obligated to support the family member; and 3. Would not be living in the unit except to provide the necessary supportive services.

Live-in aides are not subject to Non Citizen Rule requirements.

Live-in aides may not be considered as a remaining member of the resident family.

Relatives are not automatically excluded from being live-in aides, however, they must meet all of the requirements stipulated in the live-in aide definition.

A live-in aide cannot move into the unit without the approval of the LHA's Executive Director. Written verification is required from the applicants/residents Physician or Social Worker, etc justifying the need for the aide including the number of hours per day the care will be provided.

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 person cared for will be able to remain in the unit and comply with the lease terms as the result of such care;

LHA's policy on live-in aides stipulates that:

- a) Move-in of a Live-in Aide must not result in overcrowding of the existing unit (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);

b) Live-in aide(s) have no right to the unit as a remaining member of a resident family.

c) Relatives who satisfy the definitions and stipulations above may qualify as a Live-in Aide 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.

d) A live-in aide can be a single person. A live-in aide with a family may also be considered for admission to the unit provided that the addition of the live-in aide's family does not result in overcrowding of the existing unit. The adult members of the live-in aide's family must meet LHA's screening criteria.

e) A Live-in Aide will be required to meet LHA's screening requirements with respect to past behavior especially:

- A record of disturbance of neighbors, destruction of property, or living or housekeeping habits as present or prior residences which may adversely affect the health, safety, or welfare of other residents or neighbors;
- Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development; and
- A record of eviction from housing or termination from residential programs.

Remaining Member: The remaining member of a family is a family member listed on the lease who continues to reside in the unit after all other members have left. In a case where the remaining member of a family had signed the lease, the person continues on the LHA's program.

However, if the remaining member of a family did not sign the lease, the LHA would have to determine if the remaining member of the family is eligible/suitable for tenancy and ability to uphold a lease. Additionally, since the composition of family has changed the LHA would have to transfer remaining member of family to an appropriate size unit if applicable according to LHA Transfer Policy.

Occupancy by Police Officers- LHA may allow police officers to occupy housing units, in order to provide an increase sense of security for public housing residents. Police Officers are not required to meet income eligibility for admission to public housing.

K. MANDATORY ELIGIBILITY REQUIREMENT

1. Applicant families are required to provide verification Social Security Numbers for all family members age 6 and older prior to admission, This requirement is applicable to persons moving in to the unit of an already approved family member. Failure to provide verification of SSN is grounds for denial of admission or termination of tenancy.

If a family member does not have a SSN they must sign a certification stating that they do not have a SSN. The certification must include individuals name, reason why SSN has not be issued, and that once the individual has a SSN it will be disclose to LHA, certification must be signed and dated and put in families file

2. In order to be considered for housing at least one individual family member must establish eligibility as a U.S. citizen or eligible immigrant. Individuals who are not citizens and are not eligible immigrants may elect to contend their status.

For the Citizenship and Eligible Immigration requirement, each family member will be considered individually prior to defining the family status.

L. NON-CITIZENS RULE [CITIZENSHIP & ELIGIBLE IMMIGRATION STATUS]

Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a); prohibits HUD from making financial assistance available to persons who are not in eligible status with respect to citizenship or non-citizen immigration status.

Therefore, in order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

After the status of each person has been determined, households will fall into one of the categories below:

- a. All members are either citizens or eligible immigrants;
- b. Some members are eligible and some are ineligible
“mixed” family
- c. All members are ineligible immigrants

The determination of household type is based on individual determinations:

- a. An **eligible** household will be comprised of citizen(s), national (s) or non-citizen(s) with eligible immigrant status.
- b. An **ineligible** household is one in which no member is a citizen, national or eligible immigrant.
- c. **Mixed families** are comprised of citizen(s) or eligible non-citizen/s and those without citizenship or eligible non-citizen status.
- d. **Eligible** Immigrants 62 or older
- e. Non-citizen students on student VISA
- f. Other eligible immigrants

Non-citizen students defined by HUD in the non-citizen regulations are not eligible for housing.

NOTE: In accordance with the QHWRA passed by Congress October 21, 1998, Public Housing Authorities (PHA) may no longer elect to "opt out" of the Non-citizens rule. PHA's must begin to apply the provisions of section 214 of the HCDA of 1980. The PHA's shall establish and verify eligibility no later than the date of the family's annual reexamination following October 21, 1998.

The LHA is entitled to access any relevant information contained in the INS SAVE system as it relates to any family member applying for financial assistance.

Restriction on Assistance to Non-Citizens:

Effective Date 6/19/95, codified in 24 CFR Part 5, Subpart E, Revised by an interim rule issued 11/29/96.

The purpose of the regulation is to:

- a. Provide implementation procedures
- b. Ensure only citizens, nationals, and certain categories of eligible immigrants are assisted.
- c. Preserve family status

Notification Requirements:

LHA will notify all families of the requirement to provide verification of their citizenship status.

- New applicants will be notified when they apply.
- Residents have been notified

The rule applies to all families, regardless of any documentation of the person's identity which may have been previously obtained by the LHA as a local program requirement.

Where feasible, the notice must be in a language that is understood by the family, if the family is not proficient in English.

PHA's must treat Citizens of the Freely Associated States as non-citizens ineligible for housing unless they meet one of the qualifying exceptions in section 214 of the HCD Act of 1980.

Household admitted after 6/19/95

- Eligible households are admitted with full assistance.
- Mixed families are eligible for prorated assistance.
- Ineligible households are denied assistance or assistance is terminated.

Families assisted as of 6/19/95

- The protections afforded these families are related to whether the LHA implemented the non-citizens rule before or after 11/29/96.
- The family will receive restricted benefits in these areas if the LHA implemented the non-citizens rule after 11/29/96.
- Full continued assistance
- Temporary deferral of termination of assistance
- Mixed families and ineligible families who were assisted as of 6/19/95 are eligible for certain protections (in this order):
 - Continued assistance for qualified families granted continued assistance before 11/29/96.
 - Pro-rated assistance for qualified families granted continued assistance after 11/29/96.
 - Pro-ration of assistance.
 - Temporary deferral of termination of assistance if the mixed family does not accept pro-rated assistance.

Continued Assistance

Conditions for continued assistance include:

- Family must have been receiving assistance as of 6/19/95;

- PHA implemented the non-citizen rule prior to 11/29/96;
- Head or spouse has eligible immigration status; and
- Family does not include any ineligible immigrants other than the head, spouse, or parents or children of the head or spouse.

(a) Suspension for Allowing Ineligible Individuals to Live In Unit

The Non-citizens Interim Rule, published 11/29/96, requires that HUD suspend assistance for at least 24 months to a family who knowingly permits an ineligible individual to reside on a permanent basis in the family's unit.

- Suspension does not apply to ineligible individuals already in the household where the family's assistance has been pro-rated.

(b) Temporary Deferral of Termination of Assistance

Available only to families who were receiving assistance on 6/19/95.

Families may have termination of assistance deferred to allow time for transition to affordable housing.

- If temporary deferral was granted prior to 11/26/96, it is given in 6 month increments up to a total deferral period of three years.
- If temporary deferral was granted on or after 11/26/96, it may not extend beyond a total deferral period of 18 months.
- Deferral can be offered if the family does not accept pro-rated assistance, or does not have any eligible members.
- Continue full subsidy through the deferral period.

Eligibility for Assistance:

In order to determine the family type and eligibility status of any family, the eligibility of each individual in the family must be first established.

Individuals will fall into one of these categories:
Citizens

Eligible immigrants 62 or older, assisted on or before 6/19/95.

Other eligible immigrants

Ineligibles

Non-citizen students on student VISA

Verification Requirements

Unlike the third-party verification process for income eligibility, a declaration of citizenship or eligible immigrant status by the persons in the household is all that is needed for:

- a) Persons who claim citizenship status by executing a signed declaration (Section 214 Status).
- b) Persons 62 and older who claim eligible immigration status and were receiving assistance as of 6/19/95 by executing a signed declaration (verify age)
- c) Persons who declare themselves ineligible or don't contend eligibility status

Verification is required for all non-citizens who claim eligible immigration status. Exception for persons 62 and over who were receiving assistance as of 6/19/95.

Documentation Required:

Housing Authority Documents:

- (a) Declaration of Section 214 Status
- (b) Verification Consent Form
- (c) Listing of Non-contending Family Members
- (d) Notice of Section 214 requirements

Eligible Immigration Documents (Originals Only)

- (a) Resident Alien Card (I-551)
- (b) Alien Registration Receipt Card (I-151)
- (c) Arrival-Departure Record (I-93)
- (d) Temporary Resident Card (I-688)
- (e) Employment Authorization Card (I-588B)
- (f) INS receipt for a replacement card

According to the Immigration Reform Act, assistance is restricted until at least one family member has been verified. LHA is entitled to access any relevant information contained in the **INS SAVE** system as it related to any family member applying for financial assistance.

Time-frame for Submission:

Applicants present documents at final eligibility determination. Extensions for submission of required documents shall not exceed 30 days.

For Applicants:

At any stage of the application process, but not later than the date the LHA verifies other eligibility factors.

For Residents:

At the first regular re-exam after LHA implements the Non- citizen rule.

New Occupants joining an Assisted Household:

At the first interim or regular re-exam following their occupancy.

A time extension may be granted in writing by the LHA if needed for the individual to obtain the need documentation.

For each family member, this is a one-time requirement. If the family moves between units or between programs and the LHA has previously obtained the required verification, the family is not required to produce the documentation again.

M. ONE STRIKE [YOU ARE OUT] POLICY

The QHWRA imposes a new mandatory requirement for PHAs to permanently deny admission to any person(s) convicted of manufacturing or producing Methamphetamine (speed). This reform provides additional supports the Housing Opportunity Program Extension Act of 1996. Which was adopted by Board Resolution and became part of the screening, lease and eviction provisions as stipulated in Notice PIH 96-27.

As previously mentioned on LHA's Mission Statement and Local Objectives our purpose is to provide a place where families can live and raise their children, safe and free from crime. Not a place to commit crime, or use or sell drugs or terrorize neighbors. It is the intention of the LHA to fully endorse and implement a policy that is geared and designed to:

Help create and maintain a safe and drug-free community;

Maintain residents and their families free from threats to their personal & family safety;

Support parental efforts to instill values of personal responsibility, hard work and pride;

Help maintain an environment where children can live safely, learn and grow to be productive citizens;

Work in partnership with public and private organizations to assist families in their vocational and educational goals in the pursuit of self-sufficiency.

All screening procedures will be administered fairly and in accordance with Fair Housing and all applicable laws relating to Civil Rights, Section 504, The Age Discrimination Act and any applicable State laws or local ordinances and any legislation protecting the individual rights of residents, or staff that may subsequently be enacted.

To the maximum extent possible, the LHA will involve the community and governmental entities in the promotion and implementation of this policy. Upon the request copies will be made available to applicants as well as residents (reasonable amount will be charged for copies).

According to the Department of Housing and Urban Development (HUD) "Drug related criminal activity" is defined as the illegal manufacture, sale, distribution, use or possession with

intent to manufacture, sell distribute or use a controlled substance (Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug related criminal activity means on or off the premises, not just on or near the premises. "Criminal activity" includes any activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the LHA.

Screening applicants pertaining to "One Strike Policy": In an attempt to exert all resources possible for the accomplishment of our goal LHA will thoroughly screen all applicants and applicant family members for drug related, criminal activity and/or any pattern of behavior that may pose a threat to the health, safety, or right to a peaceful enjoyment of the premises.

Screening will be limited to routine questions of the family and any other information that may be provided to the LHA regarding this matter. Questions will be routinely and standardized and directed to all applicants by inclusion in the application form.

However as a result of the routine question or receipt of verifiable information, it is found that the applicant family or any family member is or has been engaged in drug related criminal or violent criminal activity, the LHA will conduct a closer investigation to determine whether the family should be allowed or denied admission.

If during the screening process it is found that a family member has been arrested or convicted with the past 3 years for drug related or violent criminal activity, the LHA will obtain verification through police/court records.

HUD PIH Notice 98-20 advises public housing authorities of the process for obtaining Federal Bureau of Investigation (FBI) criminal history record information for the purpose of applicant screening, lease enforcement and eviction. Gaining access involves:

- Requesting and obtaining an Originating Agency Identifier (ORI) number from the FBI; and
- Identifying and contracting with either the State Identification Bureau (SIB) or another approved channeling agent that will process and funnel requests from the LHA to the FBI.

The law grants PHAs the right to obtain national criminal history records of adult applicants, or residents of, public housing for the purpose of applicant screening, lease enforcement, and eviction. Criminal history records pertaining to juveniles may be obtained only to the extent that the release of such information is authorized under the law of applicable state, tribe, or locality.

The law states that "the National Crime Information Center (NCIC), police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction."

The Secretary of HUD and the Attorney General signed an agreement , on May 29, 1996, allowing state and local law enforcement agencies access through the NCIC to the Interstate Identification Index (III) for the purpose of determining whether a resident of, or an applicant for, public housing has a criminal history record indexed in the III. As a direct result of the aforementioned process the LHA has adopted the following policy:

1. LHA will do a name check through Amsties Business Intelligence firm and/or through its State and local law enforcement agency to access information from the NCIC. We are aware of the fact that a name check only may result inconclusive without a positive fingerprint comparison. The result of an inconclusive name check will not be used to deny an applicant admission to housing.
2. The LHA will check criminal history for all adult applicants and applicants who are 18 years of age and over to determine whether any member of the family has engaged in violent or drug-related criminal activity. Only in situations that warrant the LHA to do a criminal check on an applicants family member under 18 years of age will criminal check be conducted.
3. Verification of any past criminal or drug-related activity will be conducted prior to final eligibility and will include a check of conviction record history.
4. The LHA has applied to the Federal Bureau of Investigation (FBI) and has obtained a unique Originating Agency Identifier (ORI) number in order to maximize its efforts in obtaining applicant criminal records.
5. The LHA will contract with the local/state law enforcement authority or State Identification Bureau (SIB) or the selected Non-SIB, an FBI channeling agent, to process and funnel requests in order to obtain National Crime Information Center data for purpose of access FBI criminal records. No fees will be passed on to the family.
6. The LHA will request a fingerprint card only from those applicants/residents who indicate they have prior criminal records.

Persons evicted from public housing, section 23 or any section 8 program as a result of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of the eviction. LHA will waive this requirement if: a) the person demonstrates successful completion of a rehabilitation program approved by the LHA. b) the circumstances leading to the eviction no longer exist (each case will be treated on its own merit).

No member of the applicant's family may have engaged in drugs related or violent criminal activity within the past 36 months.

The LHA will permanently deny admission to its low-income developments to persons convicted of manufacturing or producing methamphetamine on the premises of the housing

complex in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The LHA will deny admission to applicants where it has been determined that there is reasonable cause to believe that the applicant /applicant family member is illegally using a controlled substance or engages in drug-related or other criminal activity. The LHA will include in this definition the abuse of alcohol to be a pattern if there is more than one incident during the past 6 months. If the abuse of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past 3 years by applicant or applicants family, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or applicants family, household member, or guests.

"Engaged in or engaging in recent history of" criminal activity means any act within the past 3 years by applicant or applicants family member, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the LHA, which did or did not result in the arrest and/or conviction of the applicant, applicants family member, household members, or guests.

Other Criminal Activity: means a history of criminal activity {within the past 3 years} involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents.

HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

As a result, LHA states, that no applicant/or resident family member may have engaged in or threatened abusive or violent behavior toward LHA personnel at any time; no applicant/resident family member may have engaged in or threatened abusive or violent behavior toward LHA personnel within the past 36 months; no applicant/or resident family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal/state housing program within the past 36 months.

In order for the LHA to implement provisions stipulated in this policy, evidence and/or supporting documentation play key roles.

"Preponderance of evidence" is defined as evidence which is greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows

that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence is not determined by the number of witness, but by the greater weight of all evidence.

“Credible evidence” may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by LHA inspectors or investigators. The LHA may pursue fact finding efforts as needed to obtain credible evidence.

The LHA during its intake procedure will require of all applicants to answer all questions to the best of their knowledge. LHA will ask of all applicants whether they are currently using or in the past ever engaged in the sale or use of an illegal controlled substance, or if anyone that will reside with them in the housing authority complex, have engaged in the use or sale of an illegal controlled substance.

The LHA will ask of all applicants who respond in the affirmative whether they are currently receiving treatment or have received treatment at a drug abuse rehabilitation center. All applicants who respond in the affirmative will be required to sign a written consent authorizing the LHA to receive information from the rehabilitation center stating only whether the center has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

Information received from the rehabilitation center will be marked confidential and will only be reviewed by the Executive Director and/or his designee who will make a decision as to the outcome of the review. Confidential information will be maintained for a period of five days (5) by the LHA after it had served its purpose and applicant was approved for admission, then it will be destroyed. The applicants file will document action taken, in the event that the application was denied, the information will be destroyed within 10 days following the date on which the statute of limitations for commencement of a civil action from the applicant based upon the denial of admission has expired.

The LHA will ensure that any criminal records received are maintained confidentially, not misused or improperly disseminated and destroyed once it had served its purpose for which it was obtained.

Criminal reports will be maintained by the Housing Manager and used for screening for criminal behavior, and will be maintained in a lock file.

Misuse of an applicant's or resident's criminal information or any confidential information by a LHA employee will be grounds for termination of employment.

Prior to the LHA taking any adverse action based on the criminal conviction records received, the applicant/resident will be provided with a copy of the information received and provided

with an opportunity to dispute the information. Applicants will be provided an opportunity to dispute information at an informal hearing. Residents will contest the information at the court hearing in the case of evictions.

N. SCREENING PROCEDURE

It is the policy of the LHA to screen all applicants in accordance with HUD's regulation 24 CFR 960.204, 960.205, and sound management practices. In the process of developing this admissions and continued occupancy policy, it was the aim of the LHA to attain a resident body composed of families with broad range of incomes and to avoid concentration of the most economically deprived families and families with serious social problems. The LHA will deny admission to an applicant family whose habits and past behavior and practices may reasonably be expected to have detrimental impact on the operation of the LHA developments or its community or on the quality of life of its residents.

The LHA will conduct a detailed interview of all its applicants. The questions are designed to evaluate the qualification of applicants to meet the essential requirements of tenancy. All answers will be subject to third party verification.

Only applicants who are of legal age of emancipation according to State Statute will be allowed to sign a lease.

The LHA will not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18 years of age.

In accordance with Section 578 of the QHWRA of 1998, LHA must deny admission to persons who are subject to a lifetime registration requirement under a state sex offender registration program (this rule is applicable to Section 8 program). LHA must conduct the sex offender criminal history background checks and make further sex offender inquiries with State and local agencies.

Admission will be denied to families who were evicted from public housing or Section 8 and other federally subsidized project units for drug-related criminal activity and alcohol abuse for a period of three years.

During screening, LHA will require applicants to demonstrate ability to comply with essential provisions of the Lease as summarized below:

1. All applicants must demonstrate through an assessment of current and past behavior the ability:

- a) to pay rent and other charges as required by the lease in a timely manner;
- b) to care for and avoid damaging the unit and common area;

- c) to use facilities and equipment in a reasonable way;
- d) not to create health or safety hazards;
- e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
- f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
- g) not to engage in drug-related criminal activity on or near housing authority premises;
- h) to comply with necessary and reasonable rules and program requirements of HUD and the LHA;
- i) to comply with health and safety codes;

2. Manner in which the LHA will check ability to comply with essential Lease requirements:

- a) LHA will complete credit check and rental history on all applicants.
- b) Information will be considered in completing applicant screening shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application, in present and prior housing.

3. 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 LHA staff that would alter the fundamental nature of housing authority's program.

c) Payment of funds owed to LHA and or any public housing authority is part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. The LHA will consider any past balances owed the authority by the applicant and or applicant family for any program that the LHA operates or manages. LHA expects these balances to be paid in full (either lump sum or installments) before initiating the full screening process. LHA will not admit families who owe/ have a back balances.

d) LHA will complete a criminal background check on all applicants including other adult members in the household for which criminal records are available, including juveniles. Information on juveniles will be provided only to the extent that the release of such information is authorized by the State or local laws.

e) LHA will complete a home visit on all applicants at the current residence who have had landlords verifications returned to the LHA with unfavorable comments concerning their

housekeeping habits. Applicants will be given two working days advance written notice of home visits.

f) All applicants are required to attend and complete LHA'S pre-occupancy classes.

g) LHA will examine all pertinent information respecting past and current habits or practices which will include, but not limited to, an assessment of:

1. Applicant's past performance in meeting financial obligations, especially rent;
2. Any history of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development.
3. A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
4. An applicant's ability and willingness to comply with necessary reasonable rules and program requirements of HUD and LHA.

h) An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in ineligibility or rejection of application.

i) The LHA will rely upon sources of information which may include, but not limited to, LHA files, personal interviews, interviews with previous landlords, employers, family social workers, parole officer, case worker, criminal court records, physicians, home visits, etc

j) The One Strike you are out policy will be applied to all applicants and applicants family member as part of the screening procedure, refer to Section II I of this policy.

O. HOME VISITS

Home visits may be required of all qualified applicants to be conducted at applicant's current place of residency. Housekeeping inspections are part of the home visit.

Applicants will be notified at least one week in advance of the scheduled visit when LHA staff will be coming and LHA's they will be checking.

Housekeeping criteria shall include, but not be limited to:

- a) Conditions in living room, kitchen (food preparation and clean-up), bathroom & bedrooms
- b) Conditions of entrance-ways, halls, and yard (if applicable)
- c) Cleanliness in each room
- d) General care of furniture, appliances, fixtures, windows, doors and cabinets

Other LHA lease compliance criteria will also be checked, such as:

- a) Evidence of destruction of property
- b) Unauthorized occupants
- c) Evidence of criminal activity
- d) Conditions inconsistent with application information

The purpose of the Home Visit is to obtain information to be used in determining the applicant's compliance with Applicant Screening Criteria.

Applicants, who are sharing housing with family members/friends will be advised that LHA will inspect the entire unit, not just the applicant's room/s. In some situations, a family that is willing to live in unsanitary or infested conditions created by others may have standards that are in conflict with LHA'S selection criteria for admission. Each case will be treated on its own merit.

It is necessary to conduct a home visit to an institution, because the applicant may be responsible for some aspect of the condition of the property.

LHA staff who will be performing home visits should be trained to ensure that home visit form is completed fully and correctly. The purpose of the home visit is not to perform some sort of "White Glove" check of the applicant's housekeeping. But rather, to determine whether the applicant is capable of caring for a LHA unit in a way that will not create health or safety hazards or contribute to infestation; and whether the applicant is likely to damage a LHA unit. If the applicant's current unit shows health hazards, housekeeping that contributes to infestation, or tenant-caused damage, the applicant would usually be rejected.

P. Screening Applicants who claim Mitigating Circumstances

If unfavorable information is received regarding an applicant, consideration shall be given to the time, nature and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order for mitigating circumstances to be utilized into LHA's Screening Assessment of the applicant, mitigating circumstances must be verifiable.

Mitigating circumstances are facts relating to the applicant's personal account of unsuitable rental history or behavior, which when verified, would indicate both; (1) the reason for the unsuitable rental history and/or behavior; and (2) 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 and justifying admission. Mitigating circumstances would overcome or outweigh information already obtained in the screening process.

NOTE: Pursuant to 24 CFR 960.205 (d)(1) Housing Authorities are required to consider mitigating circumstances. Mitigating circumstances are applicable to all applicants.

If the mitigating circumstances claimed by the applicant refers to change in disability, medical condition or course of treatment, LHA shall have the right to refer such information to persons qualified to evaluate the documentation/evidence and verify the mitigating circumstance. LHA shall also have the right to request additional information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such questions will be limited to the information necessary to confirm the mitigating circumstances or, in the case of a person with disabilities, to confirm a reasonable accommodation.

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.
- Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. LHA will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- 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.

Q. RIGHTS TO HEARINGS

The Grievance procedures are established and implemented by the LHA to assure that LHA residents are afforded an opportunity for a hearing if the resident disputes within a reasonable period of time (refer to Section XI J for detailed Grievance Policy).

Any LHA action or failure to act involving the resident's lease with the LHA or LHA's regulation which adversely affect the individual resident's rights, duties, welfare or status.

In the event that an applicant/applicant family member wants to dispute an ineligibility decision made by the LHA selection committee they will be afforded an informal hearing. Ineligible applicants will be provided with a letter detailing their individual status, stating the reason for their ineligibility, and offering them an opportunity for an informal hearing.

The applicant must contact the LHA in writing within five (5) working days of receipt of such determination. Upon receipt of the applicant's written request, the LHA shall schedule an informal hearing. The hearing shall occur within the 30-day period following the determination of ineligibility/unsuitability.

If an applicant is unable to verify/certify SSN at the end of the 60 days or additional time allotted, the LHA must deny their eligibility.

The Notice of Rejection to the applicant must include the above information plus a description of the informal hearing process.

During the hearing, the applicant family will be afforded an opportunity to present evidence with respect to:

- a) Information that affects eligibility issues;
- b) Information pertaining to rehabilitation in the area of Resident Selection or Screening (suitability).

A new application for admission must be submitted by the applicant when, the applicant fully demonstrates evidence of rehabilitation.

The "informal hearing" will conform to due process requirement:

- a) If the decision to deny admission is based on allegations by a third party, the LHA will attempt to have the third party present.
- b) The LHA employee who made the decision must be present to provide available facts, and for questioning.
- c) The hearing must be conducted by an impartial hearing officer or an employee of the LHA who did not participate in the decision and who is not directly involved in the day-to-day administration of the program.
- d) The decision must be based solely on evidence presented at the hearing by both sides.
- e) The applicant has a right to inspect the file.
- f) The applicant may bring to the hearing any documentation or evidence s/he wishes and the evidence along with the data compiled by the LHA will be considered by the hearing officer.

- g) The hearing officer will mail a written decision within 10 working days of the date of the hearing to the applicant and a copy of said decision placed in the applicant's file.

NOTE: The grievance procedures for public housing residents do not apply to LHA determinations affecting applicants. Additionally, the LHA does not need to provide an informal hearing for the following types of determinations:

- To review discretionary administrative determinations by the Authority, or to consider general policy issues on class grievances.
- To review the Authority's determination of the number of bedrooms necessary for the family.

The LHA will retain information pertaining to applicant eligibility/ineligibility for a period of three (3) years, or until audited by HUD.

LHA from time to time has had to deal with complaints, complaints from families, the general public and staff members. Procedures for dealing with complaints are not covered by the informal hearing nor grievance policy. Therefore, each complaints will be documented, if its an anonymous compliant it will be dealt with on its own merit and investigated whenever possible.

Complaints from resident families pertaining to an action or inaction of the authority will be reported to the Executive Director.

Complaints from resident families pertaining to the physical condition of the dwelling unit or development will be reported to the Executive Director.

Complaints from staff regarding a family in violation of a lease provision will be reported to the Housing Manager, whom in turn will notify the Executive Director if situation cannot be resolved amicable.

Complaints from the community/general public pertaining to a resident family or LHA will be reported to the Executive Director.

Informal hearing and appeals pertaining to Non citizen rule refer to Section II H and the Grievance Procedure Section XI J, for detailed information.

SECTION III RESIDENT SELECTION AND ASSIGNMENT PLAN

A. ORGANIZATION/ MANAGEMENT OF THE WAITING LIST

The Housing Authority of the Borough of Lodi administers its waiting list in accordance with rules and regulations Promulgated by the U.S. Department of Housing and Urban Development, at 24 CFR 912, 913, 945, 960.201, 960.215 and 5.400. All applicants/an applicant families will be treated fairly and consistently.

An applicant does not have any “right” or entitlement to:

- be listed on the waiting,
- any particular position on the waiting list, or
- be admitted to the program

An applicant does however, have the right to bring judicial action to challenge LHA of violation of a constitutional or statutory requirement.

- LHA has opt. to take full applications for all families.
- Applications are taken on the 3rd Wednesdays of every month from 9:00 AM to 3:30 PM (waiting list is presently closed).
- No applicant should be refused an application.
- There must be a written application for each applicant.
- The Personal Declaration Form should be used at all interviews and re-certification
- Applicants must be admitted, placed on the waiting list, or rejected.
- If the family is ineligible, the LHA must notify the applicant in writing of the: (1) reason (s) for the determination, and; (2) Family’s right to an informal hearing.

The waiting list is the beginning of a paper trail and it must allow one to determine the selection process as compared with the ACOP. One must be able to ascertain at a glance which applicants need which type of development unit size preference if applicable. As a result, sub-lists may be created. The applicants file must be documented to indicate why applicant was selected or rejected dated notice to the applicant of selection processing and record of unit/units offered. If applicant rejects unit it too should be noted.

List must be organized to assure applicant selection takes place according to Department's requirements as well as LHA's discretionary policy.

Waiting List must be organized to indicate the following, but not limited to:

- a) Family Name
- b) Household Type (elderly, family member(s) w/disabilities)
- c) Date and Time of application receipt
- d) Unit Size
- e) Admission Preference for which family may be eligible
- f) Whether Special Unit is needed
- g) Racial or Ethnic designation of Head of Household

Waiting List must contain enough information to allow selection from waiting list in accordance with the LHA's Admissions and Continued Occupancy Policy.

The LHA's waiting list is organized in a manner which easily permits Executive Director or his designee to identify which applicants need which type of complex, unit size, and priority each applicant has for admission based on the preferences and date and time.

LHA selection / intake staff must document how and when an applicant was selected/or rejected.

Applicants must have an opportunity to apply and to be considered for any and all of the LHA's list opened to new applicants.

The LHA may upon request of applicant, place an applicant from the Section 8 waiting list {and vice-versa} on the conventional program. All files will be documented of action taken and reason(s) for such action.

B. Waiting Lists and LHA'S Written Preference System:

During periods when LHA is not accepting new applications, LHA will place an applicant on the waiting list if the applicant is otherwise eligible for assistance and claims that he/she qualifies for a LHA's Written Preference System.

However, LHA may refuse to place an applicant if the following are true:

- a) There is an adequate pool of applicants already on the waiting list who are likely to qualify for a LHA Written Preference System; and

- b) It is unlikely that under the LHA's system for applying the Preferences that the family making the application could qualify for assistance ahead of other applicants already on the waiting list.

The resolution above is based on the LHA Written Preference System described in these policies, the preference or preferences claimed by applicant already on the waiting list, and the preference or preferences claimed by the applicant seeking placement on the waiting list.

It should be noted that a preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the LHA's Selection Criteria as defined in this ACOP.

The LHA's preference system will work in conjunction with the requirements to match applicant characteristics to the type of unit available, including units with targeted population, and further deconcentration of poverty in low-income housing.

Families, who reach the top of the waiting lists will be contacted by the LHA intake personnel to determine if the information on the application is still applicable/and verifiable.

Selection by date and time of application may be used by LHA to select among applicants who qualify for the same preferences, unit, etc.

In accordance with Section 576 of the QHWRRA of 1998, LHA must deny admission to Families for a period of three years, who have been evicted from public housing, Section 8 program and any other federally subsidized projects.

The LHA will grant an exception to the family under the following circumstances:

1. The family member involved in the drug-related eviction has successfully completed a rehab. Program.
2. The evicted person no longer resides with the family.
3. The evicted person is no longer involved in drug related activities.
4. If it is found that an applicant family has falsified information to obtain a preference for housing the LHA will deny admission to the program.

C. "Opening and Closing" Waiting Lists:

The LHA at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. LHA may open or close the list by specific bedroom sizes when the waiting list does not have sufficient applicants to meet LHA's needs or preference category.

Federal Preferences were suspended in accordance with Section 402 (d) of the Continuing Resolution for FFY 1996 and extended until FFY 1997. HUD's FY 1998 Appropriation Act extended the Continuing Resolution until FY 9/30/98.

As of October 21, 1998, the Federal Preferences have been repealed. One of the key provisions part of H.R. 4194, the Quality Housing & Work Responsibility Act of 1998, passed as part of the FFY 19 99 HUD, and Independent Agency Appropriations Bill signed into law by President Clinton.

The LHA has decided to maintain the federal preferences and adopted them as the LHA's Written Preference for selection of eligible residents.

LHA will update its waiting list at least once a year. The procedure will be as follows:

- 1) Families who are no longer interested, their names will be removed from the waiting list;
- 2) Families who no longer qualify for housing, their names will be removed from waiting list;
- 3) will be removed from the waiting list;
- 4) Families who no longer qualify for housing, their names will be removed from waiting list;
- 5) Families who cannot be reached by phone or mail, names will be removed from waiting list; at the time of initial intake of application, families will be advised of their responsibility to notify the LHA when mailing address or phone changes.

It is also the responsibility of families to advise LHA if their Citizenship and/or Immigration Status changes.

If the LHA's highest waiting list preference category has sufficient applications to fill anticipated vacancies for the coming twelve (12) months, LHA may elect to:

- a) Close the waiting list completely;
- b) Close the list during certain time of the year; or
- c) Restrict intake by preference, type of complex or by size and type of dwelling unit.

Decisions pertaining to the closing of the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify under LHA's written system preference (priority selection procedure). And the ability of the LHA to house an applicant in an appropriate unit within a reasonable period of time. A decision to close the waiting lists, restricting intake, or opening the waiting lists will be publicly announced.

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

D. Change in Preference Status while on the Waiting List:

Occasionally families on the waiting list who did not qualify for a LHA Written Preference System at the time of application intake will experience a change in circumstances that now qualifies them for a LHA Written Preference System. In these circumstances, it will be the family's duty to contact the LHA with said information in order to re-certify their status depending on application processing status, re-verified.

To the degree that the LHA determines that the family does now qualify for a LHA Written Preference System they will be moved up on the waiting list in accordance with their LHA Written Preference System, any local or ranking 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.

E. Removal of Applications from the Waiting List and Purging

LHA will not remove an applicant's name from the waiting list except in accordance with Section III, entitled "Opening and Closing" the waiting list.

The Waiting list will be purged on an annual basis, sooner, if required by HUD. The reason for purging the waiting lists annually is to ascertain that the applicants are still interested and information is current.

F. WAITING LIST PREFERENCES

Resident selection preferences, in low-income housing, afford the housing authority the flexibility to meet local objectives in selecting among the applicants who need the same size and type of unit in the same development. In Public Housing (low-income housing), the size and type of the unit and type of development take precedence over selection preferences.

A preference overrides date and time of application. The more preferences a housing authority has the less impact the time and date will have. As previously mentioned, the preference system will work in conjunction with requirements to match family characteristics to available unit type, including units with targeted population in accordance with the deconcentration policy. Taking all matching requirements into account as well as current law, LHA will give preference to the qualified family.

There are three (3) types of Admission Preferences:

- (1) **FEDERAL PREFERENCE** - Mandatory use of Federal Preferences has been repealed. However, the LHA has adopted them as the LHA's Written Preferences System.

NOTE: Mandatory use of federal preferences suspended for fiscal year 1996 by the 1/26/96 Continuing Resolution; extended through 9/30/97 without change by the 1997 Appropriations Act enacted on 9/26/96. Refer to HUD Notice PH 96-81 (HA), dated 9/30/96. **Federal Preference repealed 10/21/98 (QHWRA).**

- (2) **Ranking Preferences** - Used to select among LHA Written Preference System holders.
- (3) **Local Preferences** - Used to select among LHA Written Preference System holders or Non-LHA Written Preference System holders (applies to Public Housing only).

Claiming Preferences - Applicants may claim a preference:

- a) When they initially apply for admission
- b) At any time while on the waiting list

The LHA has developed its own preference system for the selection of eligible applicants from the waiting list. Preferences are consistent with the Department of Housing's Affirmative Fair Housing objectives and are in compliance with the Civil Rights Act and other nondiscrimination requirements.

Local preferences in combination with LHA's Written Preferences System and other matching requirements will be taken into account for selecting from the waiting list an eligible family.

Preferences may be Aggregated [two preferences outweigh one, etc.] or Rank Preferences [order by number]. LHA has decided to have all preferences carry the same weight.

Local preferences have been adopted and approved by the Board of Commissioners of the Housing Authority of the Borough of Lodi.

All applicants and families on the waiting lists are informed about the availability of local and LHA preference system. They are provided with the opportunity to demonstrate that they qualify for a preference.

Applicants claiming a preference must certify that they qualify for a specific or several preferences. LHA will accept certification unless during verification applicant does not qualify.

LOCAL PREFERENCES ARE:

- **Residency Preference:** Preference will be given to families, who live, work, or have been hired to work in the City of Wildwood.
- **Veteran Preference:** Preference will be given to veterans or surviving spouses or children of veterans /serviceperson. A family is a “family of a veteran or serviceperson” when:
 - a. The head of the family is a veteran or serviceperson,
 - b. A member of the family, related to the head by blood, marriage, or adoption is a veteran or serviceperson,
 - c. The former member of the family is a deceased veteran or serviceperson, provided the spouse has not remarried,
 - d. A former member of the family, related to the head by blood, marriage, or adoption, is a deceased veteran or serviceperson and was a member of the family at the time of death,

To qualify as the “family of a veteran or serviceperson” the veteran or serviceperson, unless deceased, must be living with the family or be temporary absent unless:

- a. The veteran or serviceperson, formerly the head, is permanently absent because of hospitalization, separation or desertion.
- b. The veteran or serviceperson, formerly the head, is divorced, provided there remains in the family one or more persons for whose support he/she is still legally or morally responsible, and provided that the spouse has not remarried; or

- c. The veteran or serviceperson, not the family head, is permanently hospitalized provided that he was a member of the family at the time he/she was hospitalized and provided further there remains in the family a person or persons related to him/her by blood, marriage or adoption.

- **Working Preference:** Preference will be given to working families. Selection among working families is not income based. This preference is equally provided to an applicant whose head or spouse are 62 years of age or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work. This working preference is also applicable to graduates of as well as participants in, educational and training programs that are designed to prepare individuals for the job market.

- **Broad range of income Preference:** Preference will be given to income range, in an attempt to comply with our objective to house a tenant body in each complex that is composed of families with a broad range of income and rent paying abilities that are representatives of the range of incomes of low-income families in the LHA jurisdiction.

The Reform Act of 1998 repealed the requirements to the use of the "preference for singles" as referenced in 24 CFR 5.405. However, the Reform Act has provided the Public Housing Authorities with the option to maintain them if they so wished. LHA has decided to maintain the "singles preference".

Singles Preference: An applicant that is a one- or two-person elderly, disabled or displaced family, will be given a preference over an applicant that is a single person who is not an elderly or displaced person, or a person with disabilities, regardless of the applicant's LHA Written Preference System or local preference.

"Other Singles" refers to a one-person household in which the individual is not elderly, disabled, or displaced by government action. These applicants will be placed on the waiting list in accordance with their preference, but cannot be afforded a unit before any one or two person elderly, disabled or displaced family regardless of their local preference.

Near-Elderly Preference: Preference will be provided for Near-Elderly families. A "near-elderly" family is defined as a family whose head, spouse, or sole member is a person who is at least 50 years of age but under the age of 62; or two or more persons, who are at least 50 years of age but under the age of 62, living together; or one or more persons who are at least 50 years of age but under the age of 62 living with one or more live-in-aides.

The LHA may give preference to a near-elderly family over displaced and other single in developments designated for elderly and/or mixed population.

LHA will select and admit eligible near-elderly families if there are elderly families on the waiting list who refuse to move into the development that has the vacant unit.

Prior to adopting the “near-elderly” discretionary preference, the LHA has conducted an outreach to attract elderly families.

As previously stated in this Policy, the QHWRA of 1998 repealed the use of Federal Preferences. However, QHWRA has allowed the Public Housing Authorities to retain their use if they so desired. LHA has adopted these preferences as the LHA’S Written Systems Preferences. **The description of these preferences will maintain the same original plain text description.**

DISPLACEMENT PREFERENCE

Involuntary Displacement

An applicant qualifies for this preference if:

The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing or within no more than six months from the date of preference status certification by the family or verification by LHA the applicant will be involuntarily displaced. (Standard, permanent replacement housing is defined later in this section.)

An applicant is or will be involuntary displaced if the applicant has vacated or
will vacate his/ her housing unit as a result of one or more of the following actions:

- a) A disaster, such as flood or fire results in the uninhabitable of an applicant’s unit;
- b) Activity carried on by an agency of the United States, or by any State or local governmental body or agency in connection with code enforcement, or a public improvement program, or development program;
- c) Action by a housing owner that forces an applicant to vacate his/her unit, provided:

- The reason for the owner's action is beyond an applicant's ability to control or prevent;
- The action occurs despite the applicant's having met all previously imposed conditions of occupancy, and
- The action taken is other than a rent increase.

Examples of actions taken by a housing owner that cause an applicant to vacate a unit include **BUT ARE NOT LIMITED TO:**

- Conversion of the unit to non-rental or non-residential use;
- Closing of the unit for rehabilitation or any other reason;
- Notice to an applicant that he/she must vacate a unit for the owner's personal or family use or occupancy;
- Sale of the unit in which the applicant resides under an agreement to vacate when possession is transferred;
- Any other legal action that results or will result in the withdrawal of the unit by the owner from the rental market.

The reasons listed above do not include vacating the unit by the resident as a result of action taken because the resident refused to:

- Comply with applicable program policies or procedures under this title (the 1937 Housing Act) with respect to the occupancy of under-occupied or overcrowded units;
- Accept a transfer to another housing unit in accordance with a court decree or in accordance with the policies and procedures of a HUD Approved desegregation plan.

An applicant is also involuntary displaced if:

- d) The applicant has vacated his/her housing unit as the result of actual or threatened physical violence directed against the applicant or one or more members of the applicant's family by a spouse or other member of the applicant's household.
- e) The applicant lives in a housing unit with an individual who engages in such violence.
- f) To qualify as involuntarily displaced by domestic violence, LHA must determine that the violence occurred recently or is of a continuing nature. Further, the applicant must certify that the person who engaged in such violence **will not reside** with the applicant family unless LHA gives advanced written approval. If the family allows the abuser [person whom engaged

in violent action] without the approval of the LHA, the LHA will deny or terminate assistance/lease to the family for breach of this certification.

The LHA will only approve the return of the abuser to the dwelling unit under the following conditions [each case will be treated on its own merit]:

- (1) The LHA verifies that the abuser has received or is receiving therapy/counseling that appears to reduce the likelihood of recurrence of violent behavior.
- (2) A therapist trained in and specializing with individuals with violent behavior or a counselor or medical/knowledgeable professional [with previously stipulated specialty] recommends in writing that said individual will be allowed to reside with the family and he/she will continue being monitored.

The LHA will take every measure possible to ensure that the new location of the family is concealed in cases of domestic violence.

An applicant is also involuntary displaced if: [displacement to avoid reprisals.]

- g) Family members provided information on criminal activities to a law enforcement agency and based on a threat assessment, the agency recommends re-housing the family to avoid violence against family members as a reprisal for providing such information.

The LHA will establish appropriate safeguards to protect the identity of families requiring this type of protection.

An applicant is also involuntary displaced if:

One or more members of the applicant family have been victims of one or more hate crimes* and the family has vacated a housing unit because of such a hate crime or fear associated with such a crime.

(* this would include hate crimes committed because of a person's race, religion, sexual orientation, etc.)

- h) Hate crime means: actual or threatened physical violence or intimidation that is directed against a person or his/her property because of the person's race, color, religion, sex, national origin, handicap, or familial status.
- i) LHA will determine that the hate crime occurred recently or is of a continuing nature.

An applicant is also involuntary displaced if: [displacement by inaccessibility of unit.]

- j) A member of the family has a mobility or other impairment that makes the person unable to use a critical element of his/her unit. This category of displacement applies only when the owner is not legally obligated to make changes to the unit that would make the critical element* accessible to the person with disabilities as a reasonable accommodation.

*Critical element/s would include but not limited to:

- Entry/egress of a dwelling or complex;
- Entry/egress of bedroom;
- Entry/egress of bathroom;
- Entry/egress of kitchen ;
- Unable to reach kitchen cabinets, stove, closets, etc.

Standard Replacement Housing as a displacement preference: In order for an applicant to qualify under this preference the applicant **must not be living in** “standard, permanent replacement housing.”

Standard, permanent replacement housing is housing:

- (a) That is decent, safe, and sanitary;
- (b) That is adequate for the family size; and
- (c) That the family is occupying pursuant to a lease or occupancy agreement.

Standard, permanent replacement housing does not include:

- (a) Transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families; or
- (b) In the case of domestic violence, the housing unit in which the applicant and the applicant’s spouse or other member of the household who engages in such violence live.

Displacement because of HUD disposition of multifamily project: Involuntary displacement includes displacement because of disposition of a multifamily rental housing project by HUD under section 203 of the Housing and Community Development Amendments of 1978.

SUBSTANDARD HOUSING PREFERENCE:

Substandard Housing in accordance with 24 CFR 5.425 is:

A unit is substandard if it is **dilapidated**; dilapidated means the unit:

- (a) Does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family; or
- (b) Has one or more critical defects, or a combination of intermediate defects in sufficient number and 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.
- (c) Does not have operable indoor plumbing.
- (d) Does not have a usable flush toilet inside the unit for the exclusive use of a family (this element of the definition of substandard would not apply to multi-generation families or families doubled up in otherwise adequate units.).
- (e) Does not have a usable bathtub or shower inside the unit for the exclusive use of the family.
- (f) Does not have electricity, or has inadequate or unsafe electrical service.
- (g) Does not have a safe or adequate source of heat.
- (h) Should, but does not, have a kitchen; or
- (i) Has been declared unfit for habitation by an agency or unit of government.
- (j) Single Room Occupancy (SRO) is not considered substandard solely because it lacks sanitary or food preparation facilities.

Applicants who are “homeless families” are considered to be living in substandard housing.

A “homeless family” includes:

- (a) Any person or family that lacks a fixed, regular, and adequate nighttime residence; and
- (b) Any person or family that has a primary nighttime residence that is:
 - (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
 - (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A "homeless family" does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

RENT BURDEN PREFERENCE

Paying more than 50% of Income for Rent: A family must be paying more than 50% of income for rent at the time of verification by LHA to qualify for this preference.

An applicant does not qualify for this preference if either of the following is applicable:

- (a) The family is paying 50% of income for rent for less than 90 days.
- (b) The applicant is paying 50% of income for rent because the applicant's housing assistance under certain HUD programs has been terminated because of the applicant's refusal to comply with applicable procedures on the occupancy of under-occupied and overcrowded units.

The programs are: Section 8 programs or Public and Indian housing under the United States Housing Act of 1937; the rent supplement program under Section 101 of the Housing and Urban Development Act of 1965; or rental assistance payments under Section 236 (f) (2) of the National Housing Act.

HUD definition of:

- (a) Family Income is Monthly Income (Annual Family Income as defined in 24 CFR 5.609, divided by 12).
- (b) Rent is the actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. Rent includes the monthly cost of utilities when utilities are resident-paid.

(c) Utilities: If the utilities are purchased directly by resident from the utility providers the applicable utility cost is determined in one of two ways:

(1) The utility allowance for family-purchased utilities and services used in LHA's resident-based program; or

(NOTE: As a reasonable estimate of the cost of utilities, the LHA may use the Section 8 Utility Allowance Schedule.)

(2) If the family chooses, the average monthly payments that it actually made for these utilities and services for the most recent 12-month period; or if that information is not obtainable for the entire 12-month period, for an appropriate recent period.

Amounts paid to or on behalf of the family under any energy assistance program must be subtracted from the rent amount to the extent that they are not included in the family's income.

The formula for establishing rent burden preference can be expressed as follows:

- (a) Rent = Monthly rent for shelter
Plus monthly utilities and services
Less energy assistance payments not counted in

income

(b) 50% of Family Income = Annual Income divided by 12 times .5

(c) Is (a) greater than (b)? Yes/No If yes, the family qualifies. If no, the family is not entitled to the preference.

Verification of income, rent, and utility payments:

The same standards the LHA uses in verifying income for the purpose of determining eligibility and Total Tenant Payment are applicable to the verification of this preference.

NOTE: ALL PREFERNCES CARRY EQUAL WEIGHT.

G. OTHER FACTORS AFFECTING THE SELECTION OF APPLICANTS

The LHA in the selection of applicants will first match the characteristics of the available dwelling unit to the eligible applicants on the waiting lists. This step is taken prior to applying any preferences. Factors to be taken into account are, dwelling unit size, accessible features if applicable, deconcentration and/or income targeting, units designed for elderly and disabled families which do not apply to mixed population developments. By following these procedures date and time of application may not apply. Matching characteristics of the family and available dwelling unit, the next family on the waiting lists according to date and time might not be suitable. And a family with a later date may be suitable for the unit.

Any court mandated admission related to Fair Housing and Equal Opportunity, desegregation or Witness Protection Program will take precedence over the LHA Written Preference System.

H. INCOME TARGETING

The Reform Act of 1998 (QHWRA), stipulates that at least 40% of families admitted to public housing in each PHA's fiscal year shall have incomes that do not exceed 30% of the area median income of the PHA's jurisdiction.

Once the LHA has complied with the 40% targeted income requirements for new admission of extremely low-income families, the remainder of the new admissions dwelling units will be offered to and filled with families whose incomes do not exceed 80% of the HUD approved area median income.

In situations where the LHA has complied with the requirements of QWHRA, and they do not have any eligible applicant family for an available unit, the LHA has the option (LHA has less than 250 units) to lease the unit on a month by month basis to over income families.

If the LHA determines the need to house to over income families, a 30-day notice will be published in a newspaper of general circulation.

I. DECONCENTRATION OF POVERTY/INCOME MIXING

Section 513 of The Reform Act, amends section 16 of the USHA to establish public housing deconcentration requirements, annual requirements for admitting families with incomes below 30% of area median income, and related income- targeting requirements.

The Reform Act requires PHAs to submit with their annual plan an admissions policy designed to provide for deconcentration of poverty and income mixing, by bringing higher income families into lower income developments and bringing lower income families into higher income developments. Skipping the waiting lists to comply with this requirement is not considered an adverse action on the part of the LHA (refer to Section XII, Exhibit X for The Deconcentration Policy.)

The deconcentration policy does not impose specific quotas. The LHA in its efforts to attain deconcentration and income mixing in its developments will monitor that specific quotas are not set.

J. UNITS DESIGNED FOR THE ELDERLY AND/OR DISABLED

The 1992 Housing Act, stipulates that an elderly family with a head, spouse or sole member of the family at least 62 years of age will receive preference for admission to units and/or developments designed specifically for elderly and covered by a HUD approved Allocation Plan.

However, this does not apply to accessible units and designed specifically for persons with disabilities.

In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a disabled person [with disabilities as defined in 24 CFR 945.105], will receive preference for admission to dwelling units that are covered by a HUD approved Allocation Plan.

The LHA has units designed specifically for families with mobility, sight and hearing impairments (in compliance with section 504). These accessible units were designed and constructed to meet the needs of individuals requiring the use of wheelchairs and individuals requiring/ meeting other needs. Preference for these units will be afforded to families with disabled family members requiring accessible units.

In the event that there are no available applicants for units available in the development designed for elderly and/or disabled, the LHA will take the following action when processing families for said developments:

- The LHA has adopted the Near Elderly Family Preference. Therefore, when there are insufficient elderly families on the waiting lists or elderly families refuse to reside in the elderly/disabled development, the dwelling unit will be offered to a near-elderly family. The near-elderly family receives a preference. To constitute a near-elderly family, head or spouse has to be 50 years of age and less than 62.
- Furthermore, when there are insufficient elderly or near-elderly families on the waiting lists, or who refuse the unit, and do not wish to reside at the development and units have been ready for occupancy for more than 30 days, unit will be offered to other eligible families, not elderly nor near-elderly.
- Preference will be given to families with members requiring accessible features for such units over families not requiring accessible features.

All cases will be dealt with on its merit. Families will be advised that when an eligible applicant with the needs offered by the unit they would have to agree to a transfer of dwelling unit when applicable. Applicant accepting an accessible unit without the need for such unit will be given 30 days notice for a transfer to a non-accessible unit when either a current resident or an applicant needs the features offered by the accessible unit. This requirement will be reflected in the lease agreement signed by the applicant.

As previously stated, LHA has units designed for persons with mobility, sight and hearing impairments. No non-disabled families will be offered these units until all eligible mobility-impaired applicants have been considered.

Prior to offering an accessible unit to a non-disabled family the LHA will first offer said unit to a resident needing an accessible unit (transfer). Secondly, to an eligible qualified applicant on the waiting list needing an accessible unit with special features.

K. MIXED POPULATION & GENERAL OCCUPANCY DWELLING UNITS

A mixed population development is a development with portion of the dwelling units reserved for elderly and disabled families at its inception and has retained its character.

General occupancy dwelling units are units designed to house all population of eligible families. Eligible families not needing units with special modifications/features or units designed for specific population will be admitted to the LHA's general occupancy units.

L. VERIFICATION OF PREFERENCE QUALIFICATION

Prior to admitting an applicant on the basis of a preference, the LHA will require the applicant to provide information needed by the LHA to verify that the applicant qualifies for a preference because of the applicant's current circumstances. The applicant's current status must be determined without regard to whether there has been a change in the applicant's qualification for a preference between the time the application and selection for admission, including a change of preference category to another.

The family will be placed on the waiting list upon their certification that they qualify for a preference. The LHA will verify all preferences at the time they are made.

If at the time of selection the family's circumstances has changed the LHA will re-verify the preference claimed.

If during the preference verification it is discovered that the applicant family no longer qualifies for the preference, the applicant will be returned to the waiting lists and placed without a preference and provided with an opportunity for review.

Applicants are required to notify the LHA if changes in their circumstances occurred which may affect their order of preference on the waiting lists. Refer to section pertaining to "changes to family preference while on the waiting lists."

M. DENIAL OF PREFERENCE

When it is essential to deny a preference to an applicant family because they do not qualify; the LHA will notify the applicant family in writing of the reasons why the preference is denied and offer the applicant family an opportunity for an informal meeting.

The applicant family will have 10 working days to request the meeting in writing. If after the informal meeting the denial is upheld, the applicant will be placed on the waiting list without a preference. However, if the applicant family does not request an informal meeting the applicant will be placed at the end of the waiting without the benefit of a preference. If the applicant family feels they are being discriminated they should seek legal recourse.

If during the verification of documentation provided by the applicant family, it is discovered that the applicant falsified documents or made false statements in order to qualify for a preference, they will be removed from the waiting list file documented and family will be notified.

N. OFFER OF UNIT/APPLICANT ACCEPTANCE AND/OR REFUSAL OF UNIT

When a unit is available and the next three families on the waiting list are eligible [taking into consideration preference/s, size of unit, time and date, etc.] The LHA will send a letter of notification to all three eligible families notifying them of dwelling unit availability. Families are advised to contact LHA to schedule final interview and inspect unit if they wish. Applicants will be provided with sufficient notice to obtain any documentation required.

In cases where all three families respond within the allotted time the LHA will offer the unit to the first on the lists, if they refuse a unit then the unit will be offered to the second family, and so on.

In instances where a family refuses a unit, the file will be documented, including date and time of each offer, reason for refusal of unit, etc. The family will not lose its place on the waiting lists. They are given two opportunities for unit rejection.

The second time the family rejects a unit [unless they have “good cause”] their name will be removed from the waiting lists. Once the family’s name is removed from the waiting lists if they wish to re-apply they may. They would have to go through the application processes from the inception.

In cases where the first eligible family responds by after the time indicated, the unit will be offered to the first of the three families that were notified.

If there has been a change in family composition, and the family has reached the top of the waiting list for a different unit size and the family failed to notify the LHA. The family will be placed on the waiting list for the new unit size according to time and date of application. The family will not be afforded any special opportunities since it is the family’s responsibility to inform the LHA of any changes in family composition and or circumstances [family’s are briefed as to their responsibilities during initial interview].

If on the other hand, the LHA made an error in the designation of the family’s original unit size, the LHA will offer the family the next appropriate dwelling unit.

If the applicant family refuses the unit as a result of the inappropriateness of the unit for the family’s disabilities, the family will retain their place on the waiting lists for the next available unit.

O. LEASING AND OCCUPANCY OF DWELLING UNIT

It is the LHA’s policy that all units must be occupied pursuant to a lease that complies with HUD’s regulations 24 CFR Part 966.

1. Applications are processed at central office. Initial intake, waiting list management, screening, and unit offering of (including transfers) will also be made at the central office. Offers of unit will be made in person, mail, or by phone; or all three.

2. When offering units, the Housing Manager, will provide applicant with a brief property description and other information to help orient the applicant to the neighborhood and location in the property. If the offer of a unit is accepted by the applicant, the Housing Manager, or designee, will set up a date to show the unit.

3. Once the unit is shown and the applicant accepts the unit, the Housing Manager or designee, will execute a lease. If the applicant refuses the unit, the reason for refusal must be documented. The documentation will then be reviewed by the Executive Director or his designee in determination of “good cause”. It is not expected of an applicant to sign a lease for a unit that is not ready for occupancy.

4. The Housing Manager, or designee, will only show and lease units of the appropriate size. Unless, an exception to the LHA's Occupancy Standard is approved for the applicant. Said information will be noted on the leasing packet.

5. Changes in family composition, income, or status between the time of the interview with the applicant and the showing of the unit, or between annual re-examinations will be processed by the Housing Manager, or designee. The Housing Manager or designee shall not lease units to families whose occupancy will create an over or under housed situation (over-housed, a family is too small for the unit; under-housed, a family is too large for unit.)

6. A lease agreement shall be signed by the head, spouse, and all other adult members of the household accepted as a resident family and by the Executive Director or other authorized representative of the Housing Authority, prior to actual admission.

7. If a resident transfers from one housing authority unit to another, a new lease will be executed for the dwelling into which the family moves.

8. 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, or
- b) A Notice of Rent Adjustment will be executed, or
- c) An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of the LHA.

9. Only those persons listed on the most recent certification form shall be permitted to occupy a dwelling unit. Except for natural births to family members, any family seeking to add a new member must request approval in writing prior to the new member occupying the unit.

10. **Additions to the household** - Following receipt of a family's request for approval, LHA will conduct a pre-admission screening of the proposed new member. Only new members approved by LHA, following the screening process will be added to the household. The results of screening shall be used to determine whether or not to admit the new member. Children born to a family member, children under the age below which Juvenile Justice records are not made available who are adopted by a family member or who are added through a kinship care arrangement are exempt from the pre-admission screening process.

The exemption age specified in this paragraph is subject to change should the State or locality modify its laws concerning the availability of police or court records for juvenile offenders.

11. Examples of situations where the addition of a family member is subject to screening are:

- a) Resident plans to be married and files a request to add the new spouse to the lease;
- b) Resident is awarded custody of a child over the age for which juvenile justice records are available;
- c) Resident desires to add a new family member to the lease, employ a live-in aide, or takes in a foster child/children.
- d) A unit is occupied by a remaining family member(s) under age 18 (and not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.

12. Family members over age 18 who move from the dwelling unit to establish new households shall be removed from the lease. The resident has the responsibility to report the move-out within 30 calendar days of its occurrence. These individuals may not be readmitted to the unit. And must apply as a new applicant households for placement on the waiting list (subject to applicable income limits, preferences, resident selection, and screening requirements). Medical hardships or other extenuating circumstances, shall be considered by the Executive Director or his designee.

13. Visitors may be permitted in a dwelling unit, provided they are reported to the Executive Director or his designee within forty-eight (48) hours of their arrival or prior thereto. Visits not exceeding (15) days {per dwelling unit not per visitor} may be authorized by the Executive Director or his designee visits of more than fifteen (15) days per year shall not be authorized. Visitors remaining beyond this period shall be considered trespassers and the head of household shall be guilty of a breach of the lease. Consistent overnight visitors will not be permitted (boyfriends, ex-spouses, etc.).

14. In accordance with HUD regulation 24 CFR 966.4 (1)(2) and the lease agreement non-occupants shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is grounds for Termination of Lease.

15. Residents will not be given permission to allow a former resident of the LHA who has been evicted, to occupy the unit for any period of time. Violation of this requirement is grounds for Termination of the Lease.

16. Residents must advise LHA if they will be absent from the unit for more than seven (7) days. Residents are required to notify the Executive Director or his designee or and make arrangements to secure the unit and provide a means for the housing authority to contact the resident in the event of an emergency. Failure to advise LHA of an extended absence is grounds for Termination of the Lease.

P. RESIDENT TRANSFERS AND RESIDENT TRANSFER CRITERIA

Resident Transfers:

1. It is the policy of the LHA to make transfers without regard to race, sex, sexual orientation, color, religion, national origin, or familial status. Residents can be transferred however to accommodate a disability (Required by 24 CFR 100.5).
2. Residents will not be transferred to a dwelling unit of equal size within a site or between sites except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or his designee.

The LHA has four (4) types of transfers:

- (1) Emergency,
- (2) Administrative Category 1,
- (3) Administrative Category 2,
- (4) Incentive

Resident Transfer Criteria:

1) **Emergency Transfers** are permitted when the unit or building conditions which pose an immediate threat to resident life, health or safety, as determined by housing authority. Emergency transfers within sites or between sites may be made to repair unit defects hazardous to life, health, or safety. To alleviate verified medical problems of a life threatening nature, or based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood. **These transfers shall take priority over new admissions.**

2) **Administrative Transfers - Category 1;** includes transfers to remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency), provide housing options to residents who are victims of hate crimes or extreme harassment, alleviate verified medical problems of a serious nature, permit modernization of units, or permit a family that requires a unit with accessible features to occupy such a unit. **These transfers shall take priority over new admissions.**

Requests for medical transfers under Category 1 will be made to the Executive Director or his designee. The resident will provide the Executive Director or his designee with the necessary verification and/or documentation to substantiate the need for a medical transfer. Whenever feasible, transfers will be made within a resident's area. Medical transfers may also be initiated by the LHA (e.g., moving a person with mobility problems to a unit without accessible features).

3) Administrative Transfers - Category 2; within sites or between sites may be made to correct occupancy standards (over/under housed conditions), to correct and avoid concentration of the most economically and socially deprived families, and to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas. **These transfers will not take priority over new admissions.**

Category 2 Administrative Transfers will be processed with new admissions using a ratio of 1 transfer for every 3 new admissions. This ratio is discretionary and will be reviewed at least annually to determine its effects on vacancy. Based on recommendations from staff, the Executive Director or his designee may authorize a change in this ratio or suspend the processing of this type of transfer.

Transfers to correct occupancy standards may be recommended at time of re-examination or interim re-determination. This is the only method used to determine over/under housed status.

Residents in an over/under housed status will be advised in their 30 day "Notice of Result of Re-examination" that a transfer is recommended and that the family has been placed on the transfer list. Interviewers will record transfer recommendations in duplicate for each manager affected by the transfer.

When a head of a household, originally housed in a bedroom by him/herself, has a child, that child shall remain in the parent's bedroom until it is two (2) years of age. After age 2 a Category 2 Administrative Transfer may be recommended. **Exceptions:** spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and in housing authority's opinion the unit is large enough to accommodate the number of persons now in the household. (Other than for births that occur during tenancy, housing authority's prior approval of additions to the household is required).

Split-family transfers will be processed under this category of Administrative Transfers. Families that split into 2 "new" households may be transferred to two different units or a portion of the "old" household may be transferred to a single unit depending on family circumstances and unit availability. Options for split-family transfers will be considered in order to minimize the impact on vacant units. Such transfers will be made in a manner that best benefits housing authority.

Good record required for a transfer - residents will be considered for transfers if they:

- (a) have not engaged in criminal activity that threatens the health and safety of residents and staff;
- (b) do not owe back rent or other charges, or evidence a pattern of late payment; or
- (c) meet reasonable housekeeping standards and have no house-keeping lease violations.

Exceptions to the good record requirements may be made for emergency transfers or when it is to the LHA's advantage to move forward with the transfer.

Without a determination of exception the following policy applies to transfers:

- (a) If back rent is owed the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in full.
- (c) A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

Cost of Transfers - Residents shall bear the cost of transfers to correct occupancy standards, however where there is a hardship due to health, disability, or other factors, the Executive Director or his designee may recommend that families be reimbursed their out-of-pocket expenses for an occupancy standards transfer. Transfers requested or required by the LHA will be paid for by the LHA.

The Executive Director or his designee has the responsibility to obtain and document all pertinent information relative to a request for transfer.

Resident Transfers - Administrative Requirement:

Transfers will be processed by the Housing Manager in accordance with the procedures set forth in this policy. A transfer list will be maintained and updated during re-certification.

The Executive Director with the Housing Manager will review and approve all transfer requests.

Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in the removal of the household from the transfer list. The good cause standards applicable to new admissions shall apply to transfers.

MOVING/STORAGE EXPENSES:

The LHA shall not provide a mover at its expense for any resident moving out of public housing. In addition, the LHA will not reimburse any resident for any miscellaneous expenses involved with moving from one apartment to another.

When a resident vacates a unit, a move-out inspection will be performed. If, during this inspection, it is found that the resident has left furnishings. The costs to remove, store or dispose of these furnishings will be charged to the resident. The costs will be deducted from any security deposit of that resident. All charges will be based on an hourly rate for removal and actual rate for storage and/or disposal.

**Q. METHOD OF APPLICANT SELECTION/ADMINISTERING THE LHA
PREFERENCE SYSTEM**

The Preference System in the Selection of Residents:

It is the LHA policy that a preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list. Every applicant must still meet the LHA Resident Selection Criteria before being offered a unit.

Preferences will be given to applicants who are otherwise eligible and who at the time they are seeking assistance meet the definitions of the preferences described in this policy.

40% of LHA annual admissions will be those holding LHA Written Preferences System /local preference (with applicable ranking preferences) and income does not exceed 30% of median area income, this establishes the deconcentration requirement. Once LHA has met the target income requirement, QHWRA authorizes the authorities to admit families whose income does not exceed 80% of median area income or low-income limit. Applicants, will be selected from

the waiting list, for dwelling units of given sizes and within ranges of rent as may be established by the LHA to insure financial solvency and stability of the low-rent housing program, and to attain, to the maximum extent feasible, a resident body in each complex that is composed of families with a broad range of income and to avoid concentrations of the most economically deprived families with serious social problems.

- (1) LHA will select applicants from the waiting list for unit offers by alternating between applicants who qualify for LHA Written Preferences System and applicants who qualify for local preferences.
- (2) Units will also be offered to existing residents on the transfer list. Certain types of transfers will be processed ahead of new admissions (e.g. emergencies) and some transfers are processed with new admissions using a ratio determined by the LHA (See Section III P of this policy for processing of transfers with new admissions).
- (3) LHA will also offer unit to families with Court Ordered admission (if applicable). Court Ordered new admissions take priority over families with LHA Written Preference System or Local Preference.
- (4) In case of the LHA not having sufficient applications of applicants with LHA Written Preferences System admissions will alternate between Local and LHA Written Preference System holders until the LHA Written Preference System applications are exhausted. At such time the LHA will select applicants with Local Preferences.
- (5) If there are no applicants on the waiting lists that qualify for the LHA Written Preferences System or Local Preferences, otherwise eligible non-preference families will be selected.
- (6) LHA will not hold units vacant for prospective applicants with LHA Written Preferences System nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with either LHA Written Preferences System or Local Preferences.
- (7) The following criteria shall be reasonably related to

achieving the basic objective, with a reasonable period of time, of housing tenant families with a broad range of income of low-income families in this Authority's area of operation, as defined in State law, and with rent-paying ability sufficient to achieve financial stability of the project or projects.

In order to achieve these goals, the Authority will:

- a) Determine the income distribution of all income eligible families in the Authority's jurisdiction.
- b) Determine the actual income distribution of all tenants.
- c) Determine the broad range of incomes goal for each project which would proportionately reflect the distribution of income eligible families in the Authority's jurisdiction.

NOTE: By matching unit and family characteristics, it is possible that families that are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application, or ahead of families with LHA Written Preference System or Local Preferences. For example; next available unit is an accessible unit and the only **applicant family needing such features is in the non-preference pool (no LHA Written Preference System or Local Preference).**

Factors other than the written preference system that affect applicant selection for unit offers are described on next page

a) When selecting a family for a unit with **accessible features**, LHA will give a preference to families that include persons with disabilities who can benefit from the unit's features.

b) If no family can be found for a unit with accessible features, LHA will house a family not needing the unit features subject to the procedures described in the Resident Selection and Assignment Plan, described in this policy. Under this policy non-disabled family in an accessible unit can be required to move so that a family needing the unit features can take advantage of the unit.

c) When selecting a family for a unit in **housing designated for elderly families or housing designated for disabled families**, LHA will give a preference to elderly or disabled families as described later in this section.

d) When selecting a family for a unit in a **mixed population housing**, (the property houses both elderly and disabled families) LHA will give a preference to elderly families and disabled families as described later in this section.

e) When selecting a single person for a unit in a **mixed population housing**, elderly or disabled single persons have preference over singles who are neither elderly nor disabled.

f) Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System.

PLEASE NOTE: The LHA does not have the financial resources, facilities, nor have trained staff in the realm of health care to provide a controlled environment. Thereby, if an applicant by reason of a physical or mental impairment is not able to comply with the material provisions of the lease, and cannot (the applicant or family member) make arrangements for someone to aid him/her in complying with the material provisions of the lease; and the Authority cannot make any reasonable accommodation that would enable the applicant to comply with the material provisions of the lease, then the LHA will assist applicant and/or designated member(s) of applicant's family, to find more suitable housing.

NOTE: At the time of admission, all residents must identify the family member(s) to be contacted if they become unable to comply with lease terms.

Preference System:

The LHA will use the formerly known "federal preferences:" as its Written Preference System in conjunction with Local Preferences. The following Preference System will be applied in the Selection of Applicants from the waiting list to offer a unit::

LHA Written Preference System for admission are of equal rank and shall be granted to applicant families whose verified circumstances at the time of the unit offer (prior to execution of a Lease) correspond to one of the following definitions in accordance with 24 CFR 5.400

- a) Involuntarily Displaced
- b) Living in Substandard Housing
- c) Paying more than 50% of family income for rent

LHA Written Preference System requirements determine:

- The number of families selected who must have a LHA Written Preference System and;

-The number of families who may be selected without a LHA Written Preference System.

Examples of Local Preferences:

- a) Residency Preference (HUD Approved)
- b) Veteran
- c) Working Preference (not based on amount earned and applied to elderly and all applicants who receive payments based on their ability to work).
- d) Income Range
- e) Near-Elderly Preference [this preference is applicable with HUD approval to singles and families when the HA determines there are not enough eligible elderly families to fill all the units:

- Currently vacant, or
- Expected to become vacant in the next 12 months.

Near-Elderly families are defined as a family whose head or spouse is:

- At least 50 years old, but
- Under 62 years of age

The Housing Authority may admit eligible near-elderly families if there are elderly families on the waiting list but none of them is interested in moving into the project that has the vacancy.

(1) Elderly families without a LHA Written Preference System who are given preference for admission to elderly projects over non-elderly families with a LHA Written Preference System.

(2) Near-elderly families without a LHA Written Preference System who are given preference for admission to elderly projects over non-elderly families with a LHA Written Preference.

NOTE: The LHA will conduct “out-reach” to attract elderly families before adopting this discretionary preference.

NOTE: The definitions of the Preferences are found in Section III of these policies and include requirements for qualification. Review the definitions for specific verification requirements.

The three LHA Written Preferences will not be combined or aggregated in any way. Applicants will be considered for admission based on any one of the LHA Preferences for which they qualify.

Local Preferences: The LHA will apply the following local preferences. The local preferences are ranked equally. The local preferences are:

A local preference for a family that can verify:

1. While the family is on the waiting list - employment by a previously unemployed family member, age 16 or older, that lasts at least 90 days. The employment must provide a minimum of 20 hours of work per week for the family member claiming the preference.
2. Employment at the time of the offer - to receive the local employment preference the applicant family must have a least one family member, age 16 or older, employed at the time of LHA offer of housing. Housing Authority employment at the time of the offer must be for the 90 day period immediately prior to the offer of housing and provide a minimum of 20 hours of work per week for the family member claiming the preference.
3. Employment periods may be interrupted but to claim the preference a family must have an employed family member prior to the actual offer of housing as described above.
4. A family member that leaves a job after receiving benefit of the preference will be asked to document the reasons for the termination. Someone who quits work (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to LHA and will have their assistance terminated.
5. The amount earned shall not be a factor in granting this local preference. This local preference shall also be available to a family if the head, spouse, or sole member is 62 or older, or is receiving social security disability, or SSI disability benefits, or any other payments based on the individual's inability to work

A local preference for a family that can verify, at the time of initial application, participation in a job training program or graduation from such a program; or can verify participation in a job training program or graduation from such a program while on the waiting list. The family must notify LHA if it enters such a program while on the waiting list and provide documentation of participation to LHA. LHA will not grant this preference if the family fails to provide notice.

Notice and verification of the preference claim must be received prior to the offer of housing. To claim this preference applicants must be in good standing with respect to attendance and program rules.

Broad Range of Income : Achieving a broad range of income is a Federal requirement. The quest of local objectives cannot prevent an Housing Authority from obtaining the goal.

6. LHA Preferences override broad range of income selection.
7. It is advisable that PHAs with low-income projects must have policies to assure that each of the projects will include families with a broad range of income; while continuing to serve qualified applicants for all income levels.

Prohibition of Preference: LHA will not give a LHA Written Preference System Local or Ranking Preference to an applicant if any member of the applicant family is:

A person evicted during the past three (3) years because of drug-related criminal activity from housing assisted under the 1937 Housing Act as required by 24 CFR 960.211 (b)(3) and QHWRA of 1998 section 576. LHA may give an admission's preference in any of the following cases.

- a) If the LHA determines that the evicted person has successfully completed a rehabilitation program approved by the Authority;
- b) If the LHA determines that the evicted person clearly did not participate in or know about the drug-related criminal activity;
- or
- c) If the LHA determines that the evicted person no longer participates in any drug-related criminal activity.

LHA shall prohibit admission to persons who are subject to a lifetime registration requirement under a State Sex Offender Registration Program.

The Written Preferences System described above will work in combination with requirements to match the characteristics of the family to the type of unit available, including units with targeted populations. When such matching is required or permitted by current law LHA will give preference to the families described below. The ability to provide preferences for some family types will depend on unit size available.

Units designated for the elderly (implementing regulations at 24 CFR 945.201, 945.105, 945.203 and 945.303, 5.400) In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age will receive preference for admission to such units or buildings covered by a HUD-approved Allocation Plan.

8. When there are insufficient elderly families on the waiting list, near-elderly families (head or spouse 50 to 61) may receive a preference for this type of unit.
9. When there are insufficient elderly or near-elderly families and units are ready for leasing more than 60 days all other family types are eligible for such units.
10. Units with accessible features - Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features - See below.

Units designated for the disabled - In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are covered by a HUD-approved Allocation Plan.

Mixed population units - In accordance with the 1992 Housing Act, elderly families whose head, spouse or sole member is at least 62 years of age and disabled families, a family whose head, spouse or sole member is a person with disabilities, will receive equal preference for admission to such units. No limit will be established on the number of elderly or disabled families that may occupy a mixed population property.

LHA Written Preference System and local preferences shall be applied when selecting applicants for admissions to this type of property.

11. Elderly families or disabled families without a LHA Written Preference System or local preference can be given a preference for admission over non-elderly and non-disabled families that do qualify for such preferences. Elderly or disabled applicants who are single persons shall be given a preference for admission over single persons who are neither elderly nor disabled.
12. Units with accessible features - Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features. See below.

Units with accessible features, in any property, LHA will give a preference to families that include a person with disabilities who can benefit from the features in the unit.

NOTE: A mixed population project is a property (or portion of a property) that was reserved for elderly and disabled families at its inception and has retained that character; or the PHA obtained HUD-approval to give preference in Resident Selection to elderly and disabled families.

Administration of the Preferences:

LHA requires that applicants Certify to their qualifications for a LHA Written Preference System at the time of initial application.

At the time of initial application Local Preferences will be verified in accordance with Section IV on Verification.

At the time of initial application, the LHA will use a preference checklist to obtain the family's certification that it qualifies for a LHA Written Preference System or Local Preference. If a local preference is claimed, the housing authority will advise the family of the need to verify the claim. At the initial application interview the family will be advised to notify LHA of any change that may affect their ability to qualify for a preference.

Applicants that are otherwise eligible and are certified or verified as qualifying for a LHA Written Preference System or local preference will be placed on the waiting list in the LHA Written Preference System or local preference applicant pool. Families claiming both a LHA Written Preference and a local preference will be placed in both applicant pools.

Families that do not qualify for a LHA Written Preference System, ranking, or local preference at the time of application will be notified in writing and advised of their right to an informal meeting as described below. If otherwise qualified, the family's application will then be placed on the waiting list in the appropriate non-preference category.

Applicants that certify/verify to a LHA Written Preference System or local preference at the time of initial application **must** be able to verify their preference status prior to the offer of unit. Applicants that cannot verify current preference status will lose their preference qualification and their standing on the waiting list.

Families that lose their LHA Written Preference, ranking, or local preference, but still qualify for another LHA Written System Preference, ranking, or local preference, will be placed on the waiting list in accordance with their current preference status. Families that cannot qualify for any of the LHA Written System Preferences or local preferences will be moved into a non-preference category, in a lower position on the waiting list based on date and time of application.

Once a preference is verified, it (preference) does not need to be re-verified unless:

13. Re-verification is desired because a long time has passed, or;
14. The LHA has reasonable grounds to believe applicant no longer qualifies.

Eligible and Ineligible Applicants:

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

15. Eligibility of the applicant as a family;
16. Eligibility of the applicant with respect to income limits for admission;
17. Eligibility of the applicant with respect to citizenship or eligible immigration status;
18. Unit size required for the family;
19. Preference category (if any) to which the family is entitled; (LHA Written Preference System/Local)
20. Ranking Preference
21. Qualification of the applicant with respect to the Applicant Selection Criteria.
22. All applicants six (6) years or older must provide a SSN or certify they don't have one.

The LHA must determine if family is "suitable" in accordance with "Resident Selection Criteria", Section II of this policy.

Families determined to be eligible will be notified by the LHA of the approximate date of occupancy in so far as that date can be reasonably determined.

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and Housing Authority procedures.

Housing Authority will make every effort to accurately estimate an approximate date of occupancy. However, the date given by Housing Authority does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by Housing Authority, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Applicants determined ineligible for admission will be promptly notified. These applicants will receive a Notice of Ineligibility from the Housing Authority, stating basis for determination. The LHA shall provide these applicants with an opportunity for informal hearing/review of said determination as described in Procedure for Informal Hearing of Ineligible Applications. The Informal Hearing of applicants should not be confused with the Grievance Procedure of residents. Applicants are not entitled to use the Grievance Procedure of residents.

LHA has developments specifically designed for the elderly, therefore, the housing authority maintains a separate waiting list for the elderly family. The elderly family is permitted to be listed on either or both, if unit size and type are appropriate.

LHA has ten (6) specially equipped accessible units designed for a family who is mobility or hearing impaired. These applicants will be placed on the waiting list for specially designed

barrier free units. However, they (disabled applicants) can be listed on all three lists if unit size and type are appropriate.

NOTE: The above options will be discussed with each applicant family.

Exceptions to community-wide waiting lists will be permitted only to comply with Court Orders, Settlement Agreements, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity.

Method of Applicant Selection:

The LHA will first match the characteristics of the applicant to the unit available, including any priorities for admissions for designated or general (mixed) population housing. Applicable LHA Written Preference and Local Preferences as previously described in this Policy will then be used to determine the order of selection from the waiting list. Additionally, in the selection of a family for a unit with accessible features housing authority will give preference to families that include a person with disabilities who can benefit from the unit features.

In selecting applicants for offers of units, the will alternate between the Lodi Preference and Local Preference to achieve an adequate balances of applicants.

The percentage limitations previously described are a factor in every admission. In order to maintain this distribution, LHA will process applications in such a way that every other applicant will be a Local Preference /LHA WPS. Certain types of transfers will also be processed with new admissions.

The systematic procedure for selection of applicants and assignment of dwelling units to ascertain equal opportunity and non-discrimination on grounds of race, color, sex, religion or national origin is as follows:

The LHA hereby establishes a plan in accordance with HUD Regulations (Plan B, per Occupancy Handbook 7465.1 REV-2, Chapter 5, Paragraph 5-7, Page 5-19) under which the eligible applicant will be offered a suitable unit in the location with the highest number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit in the location with the second highest number of vacancies. If that offer is rejected, the applicant must be offered a suitable unit in the location with the third highest number of vacancies. If that offer is rejected, the applicant's name must be put at the bottom of the waiting list, losing any applicable LHA Written Preference System or Local Preference. Pursuant to 24 CFR 1.4 (b)(2)(i.) and (iii) LHA will maintain a record of the units offered, including location, date, and circumstances of each offer, and each rejection or acceptance. The LHA will document the reason for any rejection.

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 of his/her inability to move to the Authority's satisfaction. Refusal of the offer shall not require that the applicant be placed at the bottom of the waiting list.

If an applicant presents to the satisfaction of the LHA clear evidence that acceptance of the offer of a suitable vacancy will result in undue hardship. And/or handicap not related to considerations of race, color, sex, religion or national origin, such as inaccessibility to source of employment or children's day care. Refusal of the offer shall not require that the applicant be placed on the bottom of the waiting list.

Examples of good cause reasons for the refusal of an offer of housing include, but are not limited to:

a) Inaccessibility to source of employment or children's day care such that adult household member must quit a job, drop out of an educational institution or job training program;

b) Presence of lead paint in the unit offered when the applicant has children under the age specified by current law,

c) The family demonstrates to LHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law

enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone are not good cause.

d) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members or live-in aide (each as listed on final application) necessary to the care of the principal household member;

e) The unit is inappropriate for the applicant's disabilities.

f) An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.

The applicant must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified to the LHA's satisfaction, the refusal of the offer shall not require that the applicant be dropped from the waiting list or otherwise affect the family's position on the waiting list.

The LHA will maintain a record of units, including location, date, and circumstances of each offer, and each acceptance or rejection, including the reason for the rejection.

If an applicant reaches the top of the waiting list and family composition has changed, in such that they now need a different unit size than originally requested; this situation will be dealt with in the following manner:

a) If there has been a change in family composition, and the family failed to notify the LHA prior to being called for a unit. The family will be placed on the waiting list of the appropriate bedroom size in the order they would have been on the list based upon the date of application and applicable preferences.

b) If on the other hand, the LHA made a mistake in the original bedroom size designation, the LHA should offer the family the next appropriate size unit.

R. RESIDENT EMPLOYEES

Employees who are required to live in Public Housing as a condition of their job:

1. Are not considered Public Housing Residents;
2. Are not subject to the same requirements and do not have the same rights as Public Housing Residents.

Employees, who are required to live in LHA as a condition of their job, can be charged some reasonable rent. The rent can be a flat amount not related to income.

Residents Employed by LHA:

1. Applicants who work or expect to work for the Authority are subject to the same admission requirements as other applicants.
2. The work they are to do for the LHA may not be a condition of their admission.
3. LHA residents who work for the Authority are subject to all the occupancy requirements and have all the same rights and responsibilities as other residents of the Authority.
4. Any amount received for their employment must be counted as income in computing rent.
5. The Authority may not lower the amount they are required to pay as rent as compensation for their employment.
6. HUD approval is not required in order to employ Public Housing residents.

SECTION IV: VERIFICATION PROCEDURES

The Department of Housing and Urban Development mandate that PHA's develop adequate procedures to obtain and verify information with respect to each applicant family. Information relative to the acceptance and/or rejection of an applicant or the grant or denial of a ranking preference, or local preference or LHA's Preference System, must be documented and placed in the applicants file.

As families approach the top of the waiting list, the following items will be verified to determine the applicant's eligibility and suitability for admission to the Authority's housing:

- (1) Eligibility Information
- (2) Annual Income
- (3) Assets and Asset Income
- (4) Allowance Information
- (5) LHA's Written Preferences System
- (6) Local Preferences (as applicable)
- (7) Information used in Applicant Screening
- (8) Social Security Number Verification/Certification
- (9) Citizenship or Eligible Immigration Status

Verified information obtained after application intake which is less than 90 days old need not be re-verified. Verifications may be extended for an additional 30 days with a telephone update. (A record of the update must be placed in the applicant's file). Verified information not subject to change need not be re-verified. Information obtained in order to verify categories 1 through 10 (on page 12) which is subject to change, and for which verifications are more than 120 days old, must be re-verified.

All statements and information relative to the categories listed above must be verified. Applicant housekeeping, rent payment history, and lease compliance history will be checked, reviewing police and court records, credit or payment histories, landlord references, parole officers, and social service providers, to be conducted on all appropriate members of the applicant household, not just the head of household. Police records will be obtained on all applicant household member's 16 years of age or older to ascertain past drug or criminal activity.

Documentation obtained as part of the verification process may include: checklists completed as part of the interview process, reports of interviews, letters or telephone conversations with reliable sources. At a minimum, such reports will indicate the date of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Sources of information may include, but are not limited to: the applicant by means of interviews, or home visits; present or former landlords, present and former employers, credit checks, family social workers, parole officers, court records, drug treatment centers, clinics, physicians, clergy, or police departments where warranted by the particular circumstances.

Income and rent computations: Annual income, used to determine eligibility, and Adjusted Income, the income upon which rent is based, will be computed in accordance with the definitions and procedures set forth in Section V of this policy.

A. METHOD OF VERIFICATION

Verifications shall be attempted in the following order:

- (1) Third party written,
- (2) Third party oral with a record kept in the file,
- (3) Review of documents provided by the family, when relevant, to substantiate the claim of an applicant/resident.
- (4) In the absence of any of the above; affidavits from the family. A notarized statement will be accepted when no other form of verification is available.
- (5) Certifications/Verifications for Social Security Numbers
- (6) Certifications/Verifications of Citizenship/Immigration Status [Verification of citizenship or eligible immigration status shall be carried out pursuant to 24 CFR ~ 912.8 using the Immigration and Naturalization Services (INC) SAVE system and, if needed, a manual search of INS records.]

NOTE: Applicants **MUST** cooperate fully in obtaining/ providing the necessary verifications.

ITEMS TO BE VERIFIED

All income not specifically excluded by the HUD regulations will be verified.

Zero-income status of household

Applicants reporting “**zero income**” will be asked to complete a family expense form. This form will be the first form completed during the interview process. The expense form will ask applicants to estimate (on a monthly basis) how much they spend on: food, beverages, transportation, health care, debts, household items, cable, etc. It will also ask applicants about the status of any application or benefits through TANF (Temporary Assistance to Needy Families, previously AFDC) or other similar programs. On condition that a “zero income” family is admitted, quarterly re-determinations of income will be performed. Refer to Section VI Periodic Re-examinations of this policy.

NOTE: “Zero Income” families will pay minimum rent (as approved by Board Resolution) unless “zero income” family requests in writing further consideration as a hardship case. At which time the Executive Director or his designee will review all documentation submitted and make determination. Each hardship case will be treated individually, and will stand on its own merit.

LHA's records with respect to application for admission to any low-income housing assisted under the United States Housing Act of 1937, as amended, shall indicate for each application: The date and time of receipt; the determination by LHA as to eligibility or ineligibility of the applicant. When eligible, the unit size for which eligible, the preference rating, if any, and the date, location, identification, and circumstances of each vacancy offered, accepted/ rejected.

Full-time student status including High School Students who 18 years of age or over.

Current assets including assets disposed of for less than fair market value in prior two years

Child care expense where it allows an adult family member to be employed or to continue his/her education.

Medical expense/s of family member/s in household whose head of spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care of auxiliary apparatus/equipment, which allows an adult family member to be gainfully employed.

U.S. Citizenship/eligible immigrant status

Social Security Numbers for all family members 6 years of age and older.

Disability for determination of preferences, allowances/deduction, or for accessible unit/modification of unit if applicable.

Preference status, in accordance with LHA's Preference System.

Marital status (applies to Restrictions to Non-Citizens) when needed for head or spouse definition and household category.

Familial status when needed for head or spouse definition and to establish pattern of relationship.

For families that claim zero income, and the only visible means of support are "recurring gifts" from friends and family members, a Notarized Statement containing the following information may be accepted: (1) The name of person/s who provides/d the gifts (2) The value of the gift/s (3) The dates of each gift/s (4) The purpose of the gifts.

All information from each applicant must be verified and/or certified depending on the circumstances governing the situation. Any information relative to the acceptance or rejection of an applicant must be documented and placed in the applicant's file. This may include reports of interviews, letters, or telephone conversations with reliable sources. At a minimum, those

entered will include the date, the source of the information, including the name and title of the individual contacted and a resume of the information received.

Sources of information may include, but are not limited to, the applicant (by means of interview or home visits), landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments, building code inspectors, INS, where necessary.

As a condition of admission / continued occupancy, the Authority shall require the family head and other appropriate members to sign a HUD approved release form and consent authorizing any depositor or private source of income or Federal, State, or local agency to furnish and release information to the Authority and to HUD.

B. VERIFICATION OF INCOME, INCOME FROM ASSETS, ASSETS

Income Verification

Income - Income is one of the main factors in determining a family's eligibility for housing and among the most likely to be subject to misrepresentation or error. Consequently, the LHA must establish adequate methods of verifying income (including applicable deductions and exemptions) which may include:

Third-party written verification - The bank, employer, agency, etc. completes, signs, and returns information pertinent to the applicant or resident directly to the Authority. Third party written verifications will be sent and returned via first class mail.

Electronically received verification directly from the source/agency will be accepted and considered third party written verification.

Third-party oral verification - The bank, employer, agency, etc., provide information in person, or over the phone to the appropriate staff member. The staff person then documents the file completely, including identifying all parties, the date, and the content of the information.

Third-party document verification - In some instances a third-party verification is not possible. Therefore, a review of documentation provided by family such as benefit checks, income tax returns, etc. will be accepted. The LHA will accept faxed documents and photocopies if they do not appear tampered with. The LHA will accept computerized printouts delivered by the family as third party documentation from but not limited to the following agencies:

- Social Security Administration
- Welfare Assistance
- Veterans Administration

- Unemployment Compensation
- City Court Clerks
- County Court Clerks
- State Court Clerks
- Pharmacies pertaining to prescriptions
- Medical supply/pharmacies/stores for medical equipment
- Child Support

Copies of all documents received and used for verification will be made and retained in applicant/s/resident/s file, with the **exception of government checks**. In the case of government checks, which cannot be photocopied, LHA staff will write in the applicant/residents file date of check, check number and have another staff member witness action taken. File will be documented.

Employment Income – Verification forms, submitted to an employer must be specific regarding the information requested. Verification forms may request the following information but not limited to:

- Dates of employment
- Rate of pay
- Amount and frequency of pay
- Date of last increase
- Anticipated overtime if applicable to position
- Estimated income from overtime, tips, bonus pay expected during the next 12 months
- Anticipated promotion/change of employment status and effective date of any known salary increase during the next 12 months
- Earnings from inception of year

Acceptable methods of verification have previously been discussed.

The LHA may request an applicant family/resident to sign an authorization for release of information from the Internal Revenue Service (IRS) for further verification of income.

This request for further confirmation from the IRS will be done on a case by case basis where doubt pertaining to income exists. First the LHA will request a copy of the latest tax return statement. In some cases the LHA may request the last 3 most recent federal income tax return.

In accordance with The McKinney Act of 1988, it provided the State wage record keepers to release information to both the Department of Housing and Urban Development (HUD) and the individual Public Housing Authorities (PHAs). This Inter-Departmental Agency Partnership allows the PHAs to obtain information pertaining to wages and unemployment compensation. With the development of technology, computer matching is one of the quickest way to obtain information [this is not the only way to access this type of information]. LHA has to sign an agreement with the appropriate State Agency in order to compare an applicant/s/resident/s name and social security number. This procedure of computer matching has to be allowed by HUD/ State/ local agencies involved.

Verification of Pregnancy - In those instances where an immediate determination of pregnancy cannot be determined, LHA may wish to require the applicant to obtain a physician's certificate.

Social Security Numbers - Documentation necessary to verify SSN of an individual who is required to disclose his/her SSN are:

- (a) A valid Social Security Card issued by the Social Security Administration of the Dept. of Health and Human services.
- (b) A State Driver's License that displays the Social Security Number of the individual.
- (c) W2 or 1099 Forms that displays Social Security Number of individual.
- (d) Pay stubs that display Social Security Number of the individual.
- (e) Government checks, i.e., Social Security, Disability, SSI, checks, etc.
- (f) Medicaid or Medicare Card.
- (g) Or such other evidence of the Social Security Number, including one or more alternate documents or such other substantiation of the Social Security Number.

Reason for rejection of Social Security verification/certification documentation:

- (a) Timeless of submission (over time allotted)
- (b) Third-party verification
- (c) Documents that appear to have been tampered with
- (d) If an individual who is required to execute a certification is less than 18 years of age and certification is not executed by parent or guardian or in accordance with administrative instructions issued by HUD.

Verification of Income from a Business – The LHA shall review IRS returns and financial documents from previous years, this information will be used to anticipate income for the next 12 months. The last 3 recent years of IRS returns and financial statements will demonstrate a pattern of financial situation/income.

Acceptable methods of verification are, but not limited to:

(1) IRS Form 1040, including:
Schedule C, Small Business, Schedule E, Real Property Income,
Inquire as to the type of depreciation used on the IRS Forms/Financial Statements, if an accelerated depreciation method was used, obtain the accountant's computation of depreciation expense, computed using straight line depreciation rules.

(2) Audited /unaudited financial statements.

Refer to previously mentioned methods of verification.

NOTE: If the applicant/resident is operating a child care business (baby sitting), income from said business will be verified as income obtained from any other business.

Alimony or Child Support Payments – Acceptable means of verification include but not limited to:

- Copy of a separation agreement/settlement stipulating amount and type of support including payment schedule.
- Copy of divorce decree stipulating amount and type of support including payment schedules.
- Notarized letter from person paying support

Refer to other acceptable form of verifications previously mentioned.

Regarding irregular payments, the applicant/resident must provide:

Letter from agency responsible for enforcing payments to be made,
Notarized letter from applicant/resident stipulating amount of support received, Welfare Notice of Action, if applicable stating amount of child support received or to receive, letter from attorney handling case or letter from collection agency.

Income from Assets – Savings account interest income and dividends will be verified as follows:

1. Account statements, passbooks, C.D.'s (certificate of deposit), also LHA may submit verification form to be completed by financial institution.
2. Broker's statement stipulating value of stocks or bonds; earnings credited to the family. Oral broker's verification is acceptable.
3. IRS Form 1099 from financial institution. LHA will use information to project earnings for the next 12 months.

Interest income from Mortgage

1. Letter from accountant, legal counselor, real estate broker, etc stating interest due for next 12 months.
2. Amortization schedule showing interest for the next 12 months after the effective date of certification/re-certification.

Net income from property owned by family

1. IRS Form 1040 with Schedule E, Rental income.
2. Copies of rent receipts, lease, etc.
3. Tax statement, insurance invoice, invoices for maintenance and utilities, etc.

Verification Of Assets

Family Assets – The LHA will require necessary information to determine the current cash value, that is, the net amount the applicant/family would receive if the asset/s were converted to cash.

- Verification forms, letters, or documents from bank/broker.
- Savings book, statements, checking account statements, certificate of deposit, stocks, bonds, statements from brokerage firm/bank.
- Real estate tax statements if the current market value can be deducted from assessment.
- Quotes from stock broker or realty agent as to the net amount the family would receive if they decided to liquidate.
- Financial Statements for business assets.
- Copies of closing documents showing selling price.
- Appraisal of personal property.
- Notarized statement from family describing assets, cash held at home, amount of cash in safe deposit box.

Assets Disposed of for Less than Fair Market Value – The LHA will obtain certification from family for the Fair Market Value of assets disposed of during the prior two years following effective date of certification/re-certification. The applicant/resident must certify and provide verification for any and all assets disposed of for less than fair market value.

Verification of Restriction on Assistance to Non-Citizens

Kindly refer to Section II Restriction to Non-Citizens.

C. VERIFICATION OF ALLOWABLE DEDUCTIONS

Adjusted income – Adjusted income means annual income minus allowances for dependents, elderly household status, child- care expense, medical expense and disability expense (refer to Section V, Establishing TTP for in depth breakdown of adjusted income).

Child- Care Expense – Child care expense are amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which the annual income is computed. But only where such care is necessary to enable a family member to actively seek employment; be gainfully employed; or to further his/her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child - care. In the case of child- care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Verification obtained must be well defined. The name, address, telephone number of person/place providing the child -care services. Social Security Number, the number of hours, rate of pay, name/s of child/children. Yearly amount paid, including school year and vacation

periods if applicable. Family must certify if any of the child-care expense is paid by outside sources.

Child -care payments made to a guardian or estranged partner on behalf of minor who is **not** living in the applicant/resident household **cannot be deducted**.

Child-care expense paid for the care of a disabled family member over the age of 12 **cannot be deducted as a child care expense** but it is **An Allowance for Disability Assistance Expense**.

Disability Assistance Expense – In accordance with 24 CFR 5.611 (c) & (d), families may deduct **anticipated** expenses for care attendants and auxiliary apparatus for family members with disabilities if such expenses:

- (a) Enable a family member [including the person with a disability] to work.
- (b) Exceed 3% of Annual Income.
- (c) Do not exceed the earned income of the household member/s enabled to work.

Refer to Section V of this policy for in depth description of disability assistance expense and computation.

Verification of Disability Assistance Expense/s – A notarized certification is required to be submitted to the LHA by families who claim expenses to assist a person/s with disability. The certification shall include whether or not any payments have been or will be reimbursed to the family by an insurance company, or any outside source. Claims will be verified by letter from medical professional, hospital, dentist, pharmacist, etc. Refer to Methods of Verification in the policy for additional information.

Medical Expenses – In accordance with 24 CFR 5.611 (d) medical expense is an allowable deduction **only** for households in which the *head or spouse* is at least 62 years of age, or has a disability. Medical expenses are expenses anticipated to be incurred during the 12 month period following certification/re-certification which are not covered by an outside source. Refer to Section V of this policy for an in depth description of types of medical expenses.

Verification of Medical Expense/s – Are the same as for verification of disability assistance expense.

D.VERIFYING SUITABILITY FOR ADMISSIONS

The Housing Authority of the Borough of Lodi has developed a very stringent, but fair standards for applicant screening. Our policies are applied objectively to all families and require that they demonstrate the ability and willingness to comply with provisions of the lease. Only an

individual's particular behavior may be considered not traits that might be attributed to a specific group or category of persons.

We are dedicated to providing our community with quality affordable housing that is decent, safe, well maintained, and free from drugs and violent crime. We seek to create safe neighborhoods by forming partnership with individuals and organizations to provide housing, education and employment opportunities for low income families to enable them to become self-sufficient and improve their quality of life.

A weak/poor screening procedure will not only create a financial burden on the LHA, it will also have a demoralizing affect on LHA personnel, and residents. Additionally, a weak/poor screening procedure will eventually devalue LHA's property.

Information to be utilized in determining suitability include but not limited to:

- Criminal History Reports
- Prior landlord references
- Physicians, social workers, etc. if applicable
- Ability to meet financial obligations under lease provisions
- LHA will investigate to ascertain if applicant owes money to other PHAs or to LHA if prior resident
- Housekeeping

Refer to Section II, Eligibility for Admission for in depth description of procedure for Resident selection/Suitability for admission.

SECTION V: ESTABLISHING TOTAL TENANT PAYMENT

A. INCOME AND ALLOWANCE

INCOME: The types of money which are to be used as income for purposes of calculating the Total Tenant Payment (TTP) as defined by HUD in 24 CFR 5.609.

In accordance with said definition income from all sources of each member of the household is documented.

ANNUAL INCOME: Is defined as all amounts monetary or not which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Which are not specifically excluded in 5.609 (c) of federal regulations.
- (4) Annual income also means amounts derived (during 12-month period) from assets to which any member of the family has access.

Annual Income includes, but not limited to:

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

Where the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the **greater of** the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;

4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provide in (c) (14) of 5.609).
5. Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay. (But see paragraph (c) (3) below concerning treatment of lump-sum additions as Family Assets.)
6. Welfare Assistance : If the welfare assistance payments includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (ii) The maximum amount that the assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably calculated under this paragraph (b) (6) (ii) shall be the amount resulting from one application of the percentage;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. All regular pay, special pay, and allowances of a family member in the Armed Forces (except as provided in paragraph (c) (7) of this section.

Annual Income does not include the following:

- 1.) Income from the employment of children (including foster children) under the age of 18 years.
- 2.) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone).
- 3.) Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance, and workers' compensation) capital gains, and

settlement for personal property losses; (except as provided in paragraph (b) (5) of this section);

4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

5) Income of a live-in aide, provided the person meets the definition of a live-in aide as defined in 5.403;

6) The full amount of student financial assistance paid directly to the student or the educational institution;

7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

8) (i.) Amounts received under HUD funded training programs (e.g. Step-up program; excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);

(ii) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS);

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

(iv) A resident services stipend. A resident service stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative/s coordination. No resident may receive more than one such stipend during the same period of time (FR Vol. 60, #65/5 April 1995)

(v) Incremental earnings and benefits resulting to any family from participation in qualifying state or local employment training

programs (including training programs not affiliated with local government) and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

9) Temporary, non-recurring, or sporadic income (including gifts); or

10) Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);

12) Adoption assistance payments in excess of \$480 per adopted child;

13) Reserved

14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply.

New Mandatory Earned Income Disregard replaces training income exclusions effective 10/1/99.

Families currently receiving the training income exclusions may continue as long as they would have qualified under the old rule by 9/30/99.

Applicable to Public Housing only.

Amounts excluded by this provision are excluded for the period during which the family member participates in the employment training program, plus 18 months from the date the family member begins the first job acquired after completion of the program.

The income exclusion can be effective for different family members for different time periods.

Earnings and benefits means: the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job;

Exclude all incremental earnings and benefits resulting from participation in a qualifying State or local employment training program.

- Incremental: The increase between the total amount of welfare and earnings of a family member prior to enrollment in the training program, and welfare and earnings of the family member after enrollment in the training program.
- All other amounts, increases or decreases, are treated in the usual manner in determining annual income.

Federally Mandated Exclusions

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

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

- The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;

- National Volunteer Antipoverty Programs such as VISTA, Peach Corps, Service Learning Program, and Special Volunteer Programs;
- Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE)
- Payments received under the Alaska Native Claims Settlement Act [43 USC 1626 (a)].
- Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes [25 USC 459(e)].
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624(f)].
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552(b)).
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat 2503-04);
- The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 1407]; and
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 s].
- Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.

- Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)].
- Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayors, National Council on Aging, American Association of Retired Persons, National Council on senior Citizens, and Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Orange product liability litigation, M.D.L. No 381 (E.D.N.Y.)
- Payments received under the Maine Indian Claims settlement Act of 1980.
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 USC 9858q)
- Earned income tax credit refund payments received on or after January 1, 1991 (26 USC 32 (j)).

ALLOWABLE DEDUCTIONS

Adjusted Income (24 CFR 5.11) Adjusted Income (the income upon which rent is based) means Annual Income less the following deductions and exemptions:

- (a) \$480 for each dependent;
- (b) \$400 for any elderly family or disabled family;
- (c) For any family that is not an elderly or disabled family but has a member (other than the head of household or spouse) who is a person with a disability, disability assistance expenses in excess of three percent of annual income, but this allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities;
- (d) For any elderly family or disabled family:
 - (1) That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent of annual income;

- (2) That has disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses computed in accordance with paragraph (c) of this section, plus an allowance for medical expenses that is equal to the family's medical expenses;
- (3) That has disability assistance expenses that are less than three percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these exceeds three percent of annual income;
- (e) Child- care expenses.

For All Families

Child- Care Expenses - A deduction of amounts, anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed. **BUT ONLY** when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted must be are not reimbursed expenses and shall not exceed: (1) the amount of income earned by the family member released to work; or (2) an amount determined to be reasonable by housing authority when the expense is incurred to permit education.

Dependent Deduction - An exemption of \$480 for each member of the family residing in the household [other than the head of household, or spouse, live-in aide, or foster child] who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.

Handicapped Expenses - A deduction of not reimbursed amounts paid for attendant care or auxiliary apparatus expenses for handicapped family members where such expenses are necessary to permit a family member(s), including the handicapped/disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: Wheelchairs, lifts, reading devices for the visually handicapped, and equipment added to cars and vans to permit their use by the handicapped or disabled family member.

For non-elderly families and elderly families without medical expenses: The amount of the deduction equals the cost of all not reimbursed expenses for handicapped care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For elderly families with medical expenses: The amount of the deduction equals the cost of all not reimbursed expenses for handicapped care and equipment less three percent of Annual

Income (provided the amount so calculated does not exceed the employment income earned)
PLUS medical expenses as defined below.

For elderly and disabled families only:

Medical Expense Deduction - A deduction of not reimbursable Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed.

Medical expenses include, but are not limited to: services of physicians and other health care professionals, services of health care facilities, insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered, by the LHA for the purpose of determining a deduction from income. The expenses claimed must be verifiable.

Elderly/Disabled Household Exemption - An exemption of \$400 per household.

B. MINIMUM RENT

The LHA Board of Commissioners has adopted and approved the minimum to be set at \$50.

The Total Tenant Payment is the greater of:

- 30% of the adjusted income
- 10% of the monthly income
- The minimum rent as established by LHA

The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent. The TTP does not include charges for excess utility consumption [when applicable] or other charges.

NOTE: If the minimum rent creates a financial hardship for the family. The LHA will review each individual hardship case on its own merit. And will review all relevant data present by the family regarding financial hardship as it applies to minimum rent.

QHWRA has set certain procedures and policies regarding minimum rent financial hardship; they are as follows:

- PHAs will notify all resident families subject to a minimum rent of their right to request a minimum rent hardship exception under the law.
- The LHA will notify and advise the resident families that the hardship exception determinations are subject to LHA grievance procedures.

- The LHA will review all resident requests for exception from the minimum rent due to financial hardships.

The LHA will grant an immediate exception to the minimum rent financial hardships to all families that request it.

The Minimum Rent will be suspended until the LHA determines whether the hardship is covered by statute, temporary or long term.

If it is determined, by the LHA that the minimum rent is not covered by the statute, the LHA will impose a minimum rent including payment for minimum rent from the time of suspension.

HUD CRITERIA FOR HARDSHIP EXCEPTION – In order for a family to qualify for a hardship exception the family's circumstances must fall into one of the following criteria:

The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;

The family would be evicted as a result of the imposition of the minimum rent requirement;

The income of the family has decreased because of changed circumstances, including:

Loss of employment, death in the family, other circumstances as determined by the LHA /HUD.

However, if the LHA determines, that the hardship is temporary [LHA defines temporary less than 90 days], a minimum rent will be imposed, including back payment from time of suspension, the family will not be evicted for non-payment of rent during the 90 day period starting on the date the family's request for exemption.

The LHA will offer a repayment agreement to the family for any rent not paid during the temporary hardship period.

The LHA's repayment agreement is discussed in this policy.

Minimum rent charges that took effect after October 21, 1998 and if the family qualified for one of the mandatory exceptions, the LHA will reimburse the family

C. CEILING RENT

The Reform Act of 1998 authorized Public Housing Authority's (PHAs) to adopt ceiling rents. Prior to the provisions of QHWRP pertaining to adoption of ceiling rents, other preexisting laws dealt with this issue; the Balanced Down-payment Act of 1996, also known as the Continuing Resolution. Ceiling rents to be established are to reflect the reasonable market value of the housing dwelling unit, but not less than 75% of the monthly per unit operating costs. The Continuing Resolution authorized a Transition Rule which PHAs may put into effect. Ceiling

rents are to be based on either (a) Fair Market Rents or (b) 95th percentile rents. Ceiling rents must be approved and adopted by Board Resolution.

LHA has adopted Ceiling Rents in accordance with preexisting law. The ceiling rents were established by conducting a survey of area developments with similar characteristics and amenities and then compared with fair market rents in the community.

The LHA is aware of the many advantages in adopting ceiling rents. Ceiling rents offer families of higher income an incentive for living in public housing. Ceiling rents attract higher income families and assist the LHA in creating a broad range of income. Additionally, ceiling rents assist families from the transition from welfare to work.

For all units where ceiling rents are applied the lower of the TTP or the ceiling rent will be applied.

Transitional ceiling rents: [Authorized under the Reform Act] During the period ending upon the later of the implementation of the capital and operating formulas and October 1, 1999, a PHA may adopt and apply ceiling rents that reflect the reasonable market value of the but not less than

- 1) for housing other than housing predominantly for elderly or disabled families or both, 75 % of the monthly cost to operate the housing of the agency; 2) for housing predominantly for elderly or disabled families, or both, 100 % of the monthly cost to operate the housing agency; and 3) at the option of the PHA, the monthly cost to make a deposit to a replacement reserve.

However, ceiling rents may not be more than 30% of a family's adjusted income. During the transition period, previous authority from the Balanced Budget Act with respect to establishing of ceiling rents and earned income disregards may still be used.

Ceiling rents are unit based and not applied to certain families or certain categories of families.

D. FAMILY CHOICE IN RENTS

Section 523 of the Quality Housing and Work Responsibility Act of 1998 requires that PHAs establish flat rents for each public housing unit. Flat rents, are based on the rental value of the unit.

Annually, public housing residents are to be afforded a choice whether to pay rent based on their income [generally up to 30% rule of adjusted income], or to pay a flat rent, based on the rental value of the unit. LHA will use the Section 8 Fair Market Rents to establish flat rents.

Families experiencing financial hardships may switch from paying flat rents to income based rent.

All financial hardships situations claimed are subject to verification.

Incomes of families paying flat rents must be reviewed **not less than once every three years;**

Incomes of families paying income-based rents must continue to be reviewed **once a year**.

According to QHWRA, PHAs that are already administering ceiling rents may continue to do so.

ANNUAL CHOICE: The LHA shall provide for families residing in public housing units to elect annually whether to pay income-based rent or flat rent.

E. LHA'S FLAT RENT SYSTEM

The LHA has set for each housing unit a flat rent based on the current Section 8 Fair Market Rent. The flat rents are identical to the current ceiling rents utilized by LHA and dealt with in this policy.

Refer to Section XII – V for a breakdown of flat rent according to unit.

Annual Reexamination and Flat Rent: The LHA will notify all residents 90 days prior to annual reexamination that they have a right to choose the rent they wish to pay. Included with the notification will be a form indicating LHA's the flat rent is for their size unit and LHA's the rent would be using income-based rent. The income-based rent will be estimated based on current available information. The family will have five working days from receipt of the notification to return the form with their choice of rent. Resident's letter with choice of rent will be retained in resident's file.

If resident selected income based rent then procedure for annual reexamination will be conducted.

F. INCOME EXCLUSIONS FROM TRAINING PROGRAMS

Section 24 CFR 5.609 (c) [refer to Income & Allowances of this policy] pertains to the treatment of incremental income from qualifying job training programs for assisted housing programs. Allows PHAs options on acceptable policy regarding the treatment of incremental income for public housing residents. However, this section is effective until September 30, 1999.

The QHWRA of 1998 eliminated the 18 month earned income disallowance and instituted the Public Housing 12 month earned income or an individual Savings Account. Beginning October 1, 1999, The Disallowance of Earned Income from rent determinations shall apply. However, families who qualified for an 18 month exclusions on or before September 30, 1999 or who have not yet completed the 18 month exclusion can continue for as long as they qualify under the old rule.

The QHWRA establishes mandatory exclusions in determining adjusted income.

QHWRA prohibits PHAs to increase resident rent as a result of increased income due to employment during the 12 month period beginning on the date the employment began, when the earned income increase is the result of a family member who:

1. Was unemployed for at least 12 month; and
2. Is participating in a Self- Sufficiency Program or job training program; or
3. Is, or was in the past 6 months, receiving welfare.

During the years after the 12 month period, permits a phase-in of not more than 50% of the amount of the total rent increase that would be applicable, if not for the exclusion.

In lieu of a disallowance of earned income, upon the request of an eligible family, LHA may establish an individual savings account for the purpose of purchasing a home, paying education costs, moving out of public housing, or other purposes promoting self – sufficiency.

PHAs must require public housing and Section 8 tenant-based families who receive information regarding income, earnings, wages, or unemployment compensation from HUD pursuant to income verification procedures to disclose such information to them. Families must consent to the release of income verification information.

G. AVERAGING INCOME & MINIMUM INCOME

There may be circumstances [during initial/annual reexamination] in which annual income cannot be anticipated for a 12 month period. The LHA will average all known sources of income that fluctuates to arrive at an annual income. If income is available from previous [3] years that may be a utilized to establish a pattern and determine anticipated income until third-party verification is received.

If overtime or bonuses are a common factor and employer cannot anticipate, use information from previous [3] years. Always documented action taken and reason for same.

There is no minimum income requirement. Families who report zero income are required to submit a certification and have income reviewed every 90 days.

H. INCOME OF INDIVIDUALS CONFINED TO NURSING HOMES

In situations where an applicant's/resident's family member is permanently confined to a nursing home/hospital and there is still a family member left in the household, the LHA personnel will compute TTP by excluding the income of the person which is permanently confined to nursing home/hospital. And not allow the medical expense exclusion of the family member confined to the home/hospital to be applied to the family member still in the household.

I. ASSETS & ASSETS DISPOSED OF FOR LESS THAN MARKET VALUE

Contributions to Retirement Accounts/Funds, pensions etc will be handled as follows:

- As long as the resident is employed, LHA will count as assets only the amount that the family can withdraw without retiring or terminating employment.
- If the resident retires or employment is terminated, LHA will count any amount the resident elected to receive as a lump sum.

Assets disposed of for less than fair market value will be counted during the two years preceding certification/re-examination. LHA will include the difference between market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure, bankruptcy, divorce or separation are not considered to be assets disposed of for less than fair market value.

J. WELFARE PROGRAM & INCOME CHANGES

In accordance with Section 512(d) of The QHWRA a resident's monthly contribution to rent will not be decreased where a decrease in income is the result of:

1. Noncompliance with the conditions/requirements of public assistance;
or
2. Where public assistance is reduced as a result of fraud; or
3. Noncompliance with economic self-sufficiency program.

The LHA will decrease the rent if the welfare assistance reduction is a result of the expiration of a lifetime time limit on receiving benefits; or

Inability to obtain work after complying with welfare work requirements.

However, these requirements will not apply until LHA receives written notice from the relevant welfare or public assistance agency specifying that a family's benefits have been reduced because of noncompliance with economic self-sufficiency program or work activities requirements, or fraud, and the level of the reductions.

Families residing in public housing have the right to review, if any determinations, through the administrative grievance procedures.

K. PRO-RATION OF ASSISTANCE FOR "MIXED FAMILIES"

In accordance with 24 CFR 5.520 pro-ration of assistance must be offered to any "mixed" applicant/resident family. A "mixed" family is one that includes at least one U.S. citizen/eligible immigrant and ineligible members.

"Mixed" families that were residents on June 19, 1995, and that do not qualify for continued assistance must be offered pro-rated assistance (refer to Section II L of this policy re: Non-Citizen Rule).

L. UTILITY ALLOWANCE & EXCESS UTILITY CHARGES

If the cost of utilities, excluding telephone, is not included in the rent, a utility allowance will be deducted from total tenant payment. The allowances are based on the monthly cost of reasonable consumption utilities and not on the family's actual consumption.

When the utility allowance exceeds the family's TTP, the LHA will provide a Utility Reimbursement for the family each month.

EXCESS UTILITY CHARGES

In developments where the utilities are paid residents will be charged for excess utilities if additional appliances/equipment are used in the unit. Excess utility charges will be specified in the dwelling lease.

**SECTION VI: ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL
RE-EXAMINATIONS AND REMAINING FAMILY MEMBERS**

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 Section II of this policy. (Note: For purposes of continued occupancy remaining family members qualify as family. Remaining family members can also include court ordered emancipated minors under the age of 18).

2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.

3. Whose family members, age 6 and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number.

4. Who are citizens or have eligible immigration status. Every member of a resident family must submit either evidence of citizenship or eligible immigration status as required by 24 CFR 5.500, Subpart E

NOTE: The LHA does not have the financial resources, nor trained staff in the realm of health care to provide a controlled environment; thereby, if during the term of the lease, resident/s by reason of physical or mental impairment, is/are no longer able to comply with the material provisions of the lease and cannot make arrangements for someone to assist him/her in complying with the lease, and the LHA cannot make any reasonable accommodation that would enable the resident to comply with the lease; then, the LHA will assist resident, or designated member(s) of resident's family, to find more suitable housing and move resident from dwelling unit. If there are no family members who can or will take responsibility for moving resident, the LHA will work with the appropriate agencies to secure suitable housing and will terminate the lease in accordance with applicable lease provisions.

B. ANNUAL RE-CERTIFICATION & REPORTING INCOME CHANGES

Re-examination Procedures:

At least once each year, or as requested by LHA, resident's must furnish current and accurate information to LHA regarding family composition, employment and family income, assets, allowances and deductions or any information that may be necessary to make determinations

with respect to rent, eligibility and the appropriateness of dwelling size. For families that have been transferred to a new unit, the annual reexamination date stays the same.

Families who choose flat rent are to be re-certified once every three years.

Approximately three (3) months prior to a resident's re-exam date, the LHA will send a notice informing the resident of their date for re-examination and the resident's requirement to supply all necessary documentation for income verification and changes in the family composition on that date.

Such verification may include, but is not limited to: earning reports from employers, certified copies of State and Federal Tax Returns, W-2 forms, 1099 forms of any and all working family member of the household.

Note: If requested as a reasonable accommodation by a person with a disability, the LHA will provide notice in an accessible format or mail noticed regarding reexamination to a third party. If a person with disability is unable to attend the reexamination schedule interview/meeting the LHA will grant an accommodation of conducting interview at the person's unit.

The notification will explain family choice of rent. Income based rent or flat rent. Income based rent will be estimated on current information. Flat rent is according to unit size and fair market value. If the family indicates flat rent, the form completed will be retained in their files. If the family selects income based rent they will be schedule for an interview in accordance with LHA policy.

If the LHA determines, that a resident has not been in compliance with the community service requirements, that resident will receive a notice 30 days prior to the expiration of the lease advising that the lease will not be renewed unless the resident enters an agreement with the LHA to make up the missed hours by participating in a self-sufficiency program or contributing to community service.

If the resident does not provide proof of income or family composition, a notice will be sent to the resident giving them 10 days to provide the requested information in accordance with the lease. The notice should also inform the resident that failure to provide the requested information may result in Termination of Lease.

If the resident fails to respond within 10 days, a 30-Day Notice of Termination of Lease shall be sent.

The length of time from date of admission to date of first re-examination may not exceed 12 months according to current Federal regulations. Therefore, in order to fit a new resident into the established schedule, the first regularly scheduled re-examination may be conducted in a period of less than 12 months.

When the family causes an unreasonable delay in re-examination processing, the LHA may:

If the family's rent decreases, implement the decrease the first of the month following the completion of the re-examination processing.

In other words, rent decrease should not be retroactive to family's original re-examination effective date.

If the family's rent increases, implement the increase retroactive to the family's re-examination effective date. In other words, rent increase should be retroactive to original due date of re-examination effective date.

Subsequent disclosure by Residents who have made an initial disclosure in accordance with 24 CFR 750.10.

Once a resident has disclosed and verified SSN(s), or submitted a certification(s) that no SSN(s) has been assigned, the following rules apply:

If the resident's household adds a new member(s) who is at least six (6) years of age, the resident must submit to the processing entity, at the next interim or regularly scheduled income reexamination that includes the new member(s):

- The complete and accurate SSN(s) assigned to each new member and the documentation necessary to verify the SSN(s) for each new member, or
- If the new member(s) has not been assigned an SSN, a certification executed by the individual(s) involved that meets the requirements of 24 CFR 750.10.

If the resident or any member of the resident's household who is at least six (6) years of age obtains a previously undisclosed SSN, or has been assigned a new SSN (including any member who is six (6) years of age or older and has been assigned an SSN, as required by Section 6109(e) of the Internal Revenue Code of 1986); the resident must submit to the LHA at the next regularly scheduled income re-examination:

- The complete and accurate SSN(s) assigned to the resident(s) or household member(s) involved; and
- The documentation referred to verify the SSN(s) of each such individual.

HUD (and in the case of the public housing program, or the Section 8 Certificate, Voucher, or Moderate Rehabilitation program) the PHA may specify in administrative instructions additional SSN disclosure and verification requirements. Including the nature of the disclosure and the verification required; and the time and manner for making the disclosure and verification.

C. Remaining Family Members and Prior Debt

As a party to the lease, remaining family members (other than the head or spouse) 18 years of age or older will be responsible for arrearages incurred by the former head or spouse. LHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18.

Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

D. Periodic Re-Examination

Regular Re-examination - In accordance with 24 CFR 5.617 and 960.209 (a) the Housing Authority shall, at least once a year, re-examine the income of all resident families.

If the family's choice of rent is **the flat rent**, their reexamination is once every three years.

Special Re-examinations - When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular re-examination. A temporary determination will be made with respect to income and a special re-examination will be scheduled every 90 days until a reasonably accurate estimate of income can be made. The resident will be notified in advance as to the date for the special re-examination(s). Special re-examination shall also be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of the lease. (LHA discretionary policy.)

Persons reporting zero income will have their circumstances examined every 90 days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. This form will be the first form completed in the annual re-examination process. The form will ask residents to estimate how much they spend on food, beverages, transportation, health care, child -care, debts, household items, etc. Residents will be provided with the opportunity of explaining how they pay for these items.

E. CHANGES IN FAMILY COMPOSITION & CHANGES IN UNIT SIZE

All resident family members are advised during pre-occupancy classes that all changes (increase/decrease) in family composition are to be reported to the administration office. All members residing in the unit must first be approved by the LHA and must be screened in accordance with the LHA's screening procedures.

All changes in family composition must be reported within ten working days of the occurrence.

The family must inform the LHA and request approval of additional family members other than additions due to birth, adoption, marriage, court-awarded custody before the new member occupies the unit.

F. Policy Governing Extensions

The time period for submitting SSN documentation, certification/verification is 60 calendar days from the date certification/verification was executed, except that the processing entity (LHA) in its discretion and in such circumstances as it may permit, extend this period for up to an additional 60 days. If the individual is at least 62 years of age or disabled and is unable to submit the required documentation within the initial/original 60 day period.

G. Action following Re-examinations

1. In accordance with 24 CFR 966.4 (c.) & (o.), if there is any change in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued.

2. If a change in unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described previously in this policy.

3. In accordance with 24 CFR 960.210, no PHA shall commence eviction proceedings, or refuse to renew a lease, based on the income of a resident family unless:

a) It has identified, for possible rental by the family, a unit of decent, safe, and sanitary housing of suitable size and calculated in accordance with Part 913 of 24 CFR or

b) It is required to do so by local law.

H. Interim Rent Adjustments

Rent Adjustments

Residents are required to report **all changes** in family composition status, or income to the housing manager or designee within ten (10) calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent charge.

Not all changes in family income between re-examinations will result in a rent change.

Rent shall be adjusted either upward or downward in cases of unanticipated changes in family circumstances. Such changes may include but are not limited to:

- *If family has an increase/decrease in income which is \$.60.00 over or under.
- Loss or addition of family member
- Commencement or termination of public assistance
- Rent formulas or procedures are changed by Federal Law or Regulation
- Gain or loss of employment
- Gain or loss of family member qualifying as a full-time student

*Exceptions will be made in hardship cases. Re-determinations will be conducted for lesser amounts. Family must provide documentation supporting claim for re-determination. Each case will be considered on its own merit.

Interim re-examinations will be conducted as necessary in accordance with changes in program requirements or administrative procedures.

In the case where a family has elected to pay flat rent, and which to return to income based rent due to hardship circumstances. The LHA will immediately make provision to determined income based rent for the family during the period for which the choice was made. Upon verification that the family is unable to pay flat rent because:

- 1) Income of family has decreased as a result of loss of employment, death in family, loss or reduction of other income assistance
- 2) An increase as a result of medical expenses, child care, education, transportation, etc.

If it is found that the resident has misrepresented the facts at the annual re-examination upon which the rent is based, so that the rent the resident is paying is less than the rent that he/she should have been charged, the LHA may apply an increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

Complete justification and verification of the circumstances applicable to rent adjustments must be documented by the resident and approved by the Executive Director or designee.

LHA will process interim adjustments in rent in accordance with the following policy:

1. When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.

2. Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

The notification to family of rent adjustment should advise family that they have a right to a hearing if they disagree. Requested for a hearing must be in writing and requested by the family within five (5) days of receipt of notification.

Residents granted a reduction in rent under these provisions may be required to report for special re-examinations at intervals determined by the Executive Director/Housing Manager or designee. Reporting is required until the circumstances cease or until it is time for the next regularly scheduled re-examination, whichever occurs first. If family income increases during this time, the rent will be increased accordingly. A fully documented record of the circumstances and decisions shall be included in the resident's folder.

Effective Date of Adjustments

Residents will be notified in writing of any rent adjustment and such notice will state the effective date of the adjustment.

Rent decreases go into effect the first of the month following the reported change, provided the change in income or circumstances was reported in a timely fashion.

Rent increases require 30 days notice (except those due to misrepresentation).

Failure to Report Accurate Information

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

Non-Rental Charges

The LHA has established non-rental charges and periodically update such charges as necessary. Refer to Section XII – G & H.

- a) Excess Utility Charges
- b) Charges for Damages
- c) Fees for late payment of rent, legal fees and court cost

Rent Collection Policy

The LHA has established a Rent Collection Policy, Refer to Section XII - J

House Rules

The LHA has established reasonable House Rules, Refer to Section XII - K

Grievance Procedure- Refer to Section XII - L

Lease Termination Procedures

It is the policy of LHA that no resident's lease shall be terminated except in compliance with applicable HUD regulations 24 CFR 966.4 (1) (2) and the lease terms.

I. Notice Requirements

No resident shall be given a Notice of Termination [30-day notice] without being told by the LHA in writing the reason for the termination. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure. The following actions are excluded from the Grievance Procedure; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or LHA employees; and any drug-related criminal activity on or near such premises.

Section 575(b) of The QHWA of 1998 expanded the reasons why a public housing lease may be terminated with less than 30 days notice. The 1998 Housing Act extends the "reasonable time, not to exceed 30 days" termination notice timeframe to situations where the health and safety of persons residing in the immediate vicinity of the premises is threatened, and to cases of drug-related crime, violent crime, or felony conviction. A 14 -day notice is still required for cases of nonpayment of rent; a 30-day notice is required in all other cases "except that if a State or local law provides for a shorter period of time, such shorter period shall apply".

Notices of lease termination can be served personally, and if posted to the apartment door, shall also be sent to the resident by Certified Mail. Return of the Certified Mail receipt, whether signed or unsigned shall be considered to be proof that the resident received proper notification.

The Notice shall include a statement describing the resident's right to meet with the Executive Director and/or his designee and determine whether a reasonable accommodation could eliminate the need for the lease termination.

J. Record Keeping Requirements

A written record of every termination and/or eviction shall be maintained by the LHA and shall contain the following information: (LHA's discretionary policy).

1. Name of resident, number and identification of unit occupied;
2. Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
3. Specific reason(s) for the Notices, with section of the violation, and other facts pertinent to the issuing of the Notices described in detail;
4. Date and method of notifying resident;
5. Summaries of any conferences held with resident/s; including dates, names of conference participants and conclusion/s;
6. No termination of tenancy action shall be instituted nor court costs or legal fees assessed until the notice period has expired or a Grievance Hearing has been completed.

K. Requirement to Publicize

Selection procedures must be duly adopted and publicized by The Board of Commissioners of the Housing Authority of the Borough of Lodi.

Posting copies in each office where applications are received and;
Furnishing copies to residents upon request. Copies of the entire Admissions and Continued Occupancy Policy will be provided to residents at a cost of 25 cents per page. The "Selection Procedure" alone will be provided at an expense of 10 cents per page.

L. CONTINUANCE OF ASSISTANCE FOR "MIXED FAMILIES"

"Mixed " families who were participants on June 19, 1995, shall continue to receive full assistance if they meet the following criteria:

- 1) Head of household, co-head or spouse is a U.S. citizen or eligible immigrant; And
- 2) The family does not include any ineligible immigrants other than the head or spouse, or parents or children of the head, co-head or spouse.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.

If the family does not qualify for continued assistance, the family member/s that are causing the family not to qualify may move, or the family may choose prorated assistance. The LHA may no longer offer temporary deferral of termination.

SECTION VII:

PET POLICY

A. EXCLUSIONS FOR PETS THAT ASSIST INDIVIDUALS WITH DISABILITIES

24 CFR Subpart C 5.300 Implements Section 227 of The Housing and Urban Rural Recovery Act of 1983, as it relates to developments designated for the elderly and/or persons with disabilities. However, subpart C does not apply to animals that are used to assist persons with disabilities. Project owners and PHAs may not apply or enforce any pet rules developed under subpart C against individuals with animals that are used to assist individuals with disabilities. This exclusion applies to animals that reside in projects for the elderly or persons with disabilities, as well as to animals that visit these projects.

PHA's may require resident animals to qualify for this exclusion. Project owners/PHA's must grant this exclusion if:

- (i) The tenant or prospective tenant certifies in writing that the tenant or a member of his/her family is a person with a disability;
- (ii) The animal has been trained to assist persons with that specific disability; and
- (iii) The animal actually assist the person with a disability.

Nothing in this subpart C:

- 1. Limits or impairs the rights of persons with disabilities;
- 2. Authorizes project owners or PHAs to limit or impair the rights of persons with disabilities
- 3. Affects any authority that project owners or PHAs may have to regulate animals that assist persons with disabilities, under Federal, State, or local law.

B. LEASE PROVISIONS

Lease should stipulate the rules and regulations promulgated by the LHA pertaining to pet rules. And shall state that the violation of rules are ground for termination of lease, removal of pet or both.

C. PETS IN DEVELOPMENTS NOT DESIGNATED FOR ELDERLY/PERSONS WITH DISABILITIES

The Quality Housing and Work Responsibility Act of 1998, referred to as the Public Housing Reform

Act", added a new section 31 (captioned "Pet Ownership in Public Housing") to the United States Housing Act of 1937. Section 31 establishes pet ownership requirements for residents of public housing other than public housing developments for the elderly or persons with disabilities. HUD has made changes to 24 CFR 960.703 to distinguish this rule from the existing rule that is found in 24 CFR part 5, subpart C, that pertains to pet ownership by the elderly and persons with disabilities. As a direct result of these changes a cross-reference has been removed.

Additionally, Annual Plans are required to contain information regarding the PHA's pet policies, as described in 24 CFR 903.7(n), beginning with PHA fiscal years that commence on or after January 1, 2001.

Refer to LHA's Pet Policy (exhibit 15) for specific requirements.

SECTION VIII

COMMUNITY SERVICE

A. REQUIREMENT [MANDATED BY QHWRA]

Section 512 of The QHWRA mandates PHAs to require that adults residing in public housing comply with community service requirements.

Every adult resident of LHA will be required to perform eight hours of community service each month, or participate in a self-sufficiency program for at least eight hours each month. This does not include political activities.

B. EXEMPTIONS

The LHA shall not apply the community service requirement to:

- Elderly persons,
- Persons with disabilities*
- Persons already working
- Persons exempted from work requirements under State welfare to work programs, or
- Persons receiving assistance under a State program that have not been found to be in noncompliance with such a program.

NOTE* Persons with disabilities are not necessarily automatically exempt; a person is only exempt to the extent the disability makes the person “unable to comply.”

Exemption status should be verified annually.

C. ANNUAL DETERMINATIONS

LHA must determine on an annual basis if the resident family member subject to community service requirement has met the requirements set forth in this policy. LHA shall 30 days prior to the expiration of the lease must review and determine the compliance of the resident with the community service requirement.

Such determination shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

D. NONCOMPLIANCE

If the LHA determines that a resident is not compliant, the LHA shall notify that resident of the determination that:

- The determination is subject to administrative grievance procedures [a court hearing is also not precluded]; and
- That the resident's lease will not be renewed unless the resident enters an agreement with the LHA to make up the missed hours by participating in a self-sufficiency program or contributing to community service.

Ineligible Occupancy – The LHA shall not renew or extend any lease, or provide any new lease, for a dwelling unit for any household that includes an adult member who was subject to the community service requirement and failed to comply with the requirement.

E. ECONOMIC SELF-SUFFICIENCY PROGRAM

Economic self-sufficiency program for purposes of complying with community service requirement is defined as one of the following but not limited to:

- Participating in an educational or vocational training program which is geared towards employment;
- Working in community service work which is geared towards improving the physical environment of the resident's development;
- Volunteer work in a local school, hospital or shelter;
- Volunteer work in local community service organization, child care center;
- Volunteer work in local youth centers and neighborhood group programs;

LHA will review and inquire regarding other available programs in the community and provide a listing of each program available and goals that they are geared to achieve.

The LHA is will provide the residents with the greatest choice possible in identifying community service opportunities.

F. LHA'S RESPONSIBILITY & IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT

LHA'S Responsibility:

The LHA ensures that all community service programs are accessible for persons with disabilities.

The conditions under which the work is performed are not hazardous.

The work is not labor that will be performed by the LHA's employees responsible for essential maintenance and property services; or the work is not otherwise unacceptable.

LHA Implementation of Community Service Requirement:

The LHA will administer its own community service program, in partnership with volunteer and community services agencies.

Residents will receive flyers/booklets with community service programs and volunteer opportunities available throughout the community.

SECTION IX:

TERMINATION OF LEASE

In accordance with 24 CFR 966.4 (1)(2), LHA may terminate tenancy for a family due to the family's action or failure to act in accordance with HUD regulations, and the terms stipulated in the lease.

The Reform Act incorporated changes to the public housing lease and grievance requirements at 24 CFR part 966. One of the changes was to clarify the relationship between a revision to the lease and the right of LHA to terminate tenancy.

The rule added a provision concerning termination of tenancy, to permit a PHA to terminate tenancy if the resident refuses to accept a revision to the lease after being given at least **60 days notice** of its proposed effect and being allowed a reasonable time to respond to the offer.

A. TERMINATION BY RESIDENT

The resident may terminate the lease by providing the LHA with a written notice 30 days prior to date of intent to vacate.

B. TERMINATION BY LHA

The LHA shall not terminate or refuse to renew the lease other than for serious or repeated violation of material terms of the lease. The public housing lease is automatically renewable with the **EXCEPTION** of a resident in noncompliance with the community service requirement.

C. NOTIFICATION REQUIREMENT

The LHA shall give written notice of lease termination of:

1. 14 days in the case of failure to pay rent;
2. A reasonable time considering the seriousness of the situation [but not to exceed 30 days] when the health or safety of other residents or LHA employees is threatened; and
3. 30 days in any other case.

The lease termination notice shall state specific grounds for termination, and shall inform resident of resident's right to make such reply as resident may wish. The notice shall also inform resident of the right pursuant to 24 CFR 966.4(m) to examine LHA documents directly relevant

to the termination or eviction. In situations where the LHA has to afford the resident an opportunity to a grievance hearing, the notice shall also inform the resident of the resident's right to request a hearing in accordance with the LHA'S grievance procedure.

A notice to vacate which is required by State or local law may be combined with, or run concurrently with a notice of lease termination.

When the LHA is required to afford the resident the opportunity for a hearing under the LHA's grievance procedure for a grievance concerning the lease termination. The tenancy shall not terminate [even if any notice to vacate under the State or local law has expired] until the time for the resident to request a grievance hearing has expired, and [if a hearing was timely requested by the resident] the grievance process has been completed.

When the LHA is not required to afford the resident the opportunity for a hearing under the LHA Administrative Grievance Procedure concerning the lease termination, and LHA has decided to exclude such grievance from the LHA grievance procedure, the notice of lease termination shall:

1. State that the resident is not entitled to a grievance hearing on the termination.
2. Specify the judicial eviction procedure to be used by the LHA for eviction of the resident, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined by HUD regulations.
3. State whether the eviction is for a criminal activity as described in 24 CFR 966.51 (a)(2)(i)(A) or for a drug-related criminal activity as described in 24 CFR 966.51 (a)(2)(i)(B).

The LHA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity/drug related criminal activity at this address.

D. TERMINATION DUE TO INELIGIBLE IMMIGRATION STATUS

In accordance with 24 CFR 5.514 families who were participating in public housing on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a "mixed" family selected not to accept pro-ration of assistance, were eligible for temporary deferral of termination of assistance to permit the family additional time for to obtain affordable housing.

Deferrals were allowed to be granted for intervals not to exceed six months, up to an aggregate maximum of three years for deferrals which were granted prior to 11/29/96.

According to the timeframe applicable to the deferral period, current families are no longer eligible for deferral of termination of assistance.

E. RETAINING DOCUMENTATION

LHA will retain written documentation of every termination/eviction. Documentation on file shall contain the following information, not limited to:

- Name of resident, address and unit number occupied;
- Date of Notice of Lease Termination;
- Date of any other applicable notice required by state or local law;
- Reasons for the Notices, citing the lease provision/section violated;
- Include in notice any other factors pertinent to the termination;
- Date resident was notified and method used;
- Summary of any conferences held with the resident/conversations including dates, name of individuals attending and conclusion.

Records for residents whose leases were terminated shall be maintained by the LHA indefinitely.

SECTION X:

GLOSSARY

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 handicaps. 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 made accessible for use by a specific individual, the unit will be deemed accessible when it meets the standards that address the impairment of that individual.

Accessible Facility - Means all or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

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.

Adaptability - The ability to change certain elements in a dwelling unit, to accommodate the needs of handicapped and non-handicapped persons. The ability to meet the needs of persons with different types and degrees of disability.

Admission - Admission to the program is the effective date of the lease. The point at which the family becomes a resident.

Allocation Plan - The Plan submitted by the housing authority and approved by HUD under which the housing authority is permitted to designate a building or portion of a building for occupancy by Elderly Families or Disabled Families.

Alteration - Any change in facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems.

Annual Income - Annual income is the anticipated income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent)

and by each additional family member for the 12 month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic. Refer to Section V TTP A. Income & Allowances for detail description of Annual Income.

Annual Income After Allowances- [Adjusted Income] Annual Income less:

- a) \$480 for each Dependent
- b) \$400 for any Elderly Family
- c) Medical Expenses in excess of three percent (3%) of Annual Income for any Elderly Family
- d) Child Care Expense (deduction for child care in determining adjusted income does not apply when the family is reimbursed)

Applicant- A family that has applied for admission to a program, but is not yet a participant in the program (applicant family).

“As-Paid” States- States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets - Means “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.”

IMPORTANT: See the definition of Net Family Assets, for assets used to compute annual income.

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.

Care Attendant – A person that regularly visits the unit of a housing authority resident to provide supportive or medical services. Care attendants have their own place of residence (and if requested by housing authority must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.

Ceiling Rent- An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

Child - Means a member of the family other than the family head or spouse who is under 18 years of age.

Child Care Expense - Means 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 be gainfully employed or to further his/ her education. The amount deducted shall reflect reasonable charges for child care. And in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

Citizen - Means 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. (Not a HUD requirement, LHA option best practice)

Dependent - A member of the household, other than head, spouse, sole member, foster child, or Live-in Aide, who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or full-time student.

Designated Family - Means the category of family for whom housing authority elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. [24 CFR 945.105]

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 [24 CFR 945.105]

Disabled Family - Means a family whose head, spouse or sole member is a person with disabilities. The term "disabled family" may include two or more persons with disabilities living together, and one or more persons with disabilities living with one or more persons who are determined to be essential to the care or well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly.

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 Federal preference for involuntary displacement.

Divestiture Income - Imputed income from assets disposed of by applicant or resident in the last two years at less than fair market value.

Domestic Violence - Means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household.

Drug-Related Criminal Activity — The term means drug-trafficking; or illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C.802).

Drug Trafficking – The illegal manufacture, sale, distribution or possession with intent to manufacture, sell or distribute a controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802)).

Elderly Family - An elderly family includes both: a single person family consisting of a person who is disabled or 62 or older, and; a multi-person family whose head or spouse is disabled or 62 or older.

Elderly Person – A person who is at least 62 years of age.

Eligible Families - Means families that are eligible for residence in Public Housing assisted under the United States Housing Act of 1937.

Employer Identification Number (EIN) - Means the taxpayer identifying number of an individual, trust, estate, partnership, association, company, or corporation that is assigned pursuant to Section 601 1(b) of the Internal Revenue Code of 1986, or corresponding provisions of prior law, or pursuant to Section 6109 of the Code. The EIN has nine digits separated by a hyphen, as follows: 00-0000000.

Entity Applicant - Means a partnership, corporation, or any other association or entity that seeks to participate as a private owner in any of the project-based assistance programs contained in 24 CFR part 880, 881, 882, 884, 885, or 886. Entity applicant does not include a public entity, such as a PHA or a State Housing Finance Agency.

Evidence of Citizenship or Eligible Status - Means the documents which must be submitted to evidence citizenship or eligible immigration status.

Exceptional Medical Expenses – Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the annual income. It is no longer applicable.

Excess Medical Expenses – Any medical expenses incurred by elderly families only in excess of 3% of annual income which are not reimbursable from any other source.

Extremely Low-Income Family- A family whose income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Family – The applicant must qualify as a family as defined by LHA. Refer to section on Family Composition of this policy.

The term family also includes: Elderly family, Near-elderly family, disabled family, displaced person, single person, the remaining member of a resident family, a foster care arrangement, or a kinship care arrangement. 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 912, 960 5.405(a)]

Family Of Veteran Or Serviceperson – A family is a “family of veteran or serviceperson” when:

The veteran or serviceperson (a) is either the head of household or is related to the head of the household; (b) is deceased and was related to the head of the household, and was a family member at the time of death.

The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

Family Self-Sufficiency Program (FSS Program) – The program established by an PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

Flat Rent – Is based on the rental value of the unit.

Foster Child Care Payment – Payment to eligible household by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

Income Based Rent – Generally based on 30 % of the adjusted income.

Live-in Aides - May also be considered part of the applicant family's household. However, live-in aides are not considered family members and have no rights of tenancy or continued occupancy.

For purposes of continued occupancy -The term family also includes the remaining member of a resident family with the capacity, as defined by State law, to execute a lease.

Full Time Student – A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school.

Handicapped Person - A person having a physical or mental impairment that: a) is expected to be of long-continued and indefinite duration, b) substantially impedes his or her ability to live independently, and c) is of such a nature that such ability could be improved by more suitable housing conditions.

Hate Crime - Means actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the person's race, color, religion, sex, national origin, handicap, or familial status.

Head of the Household - Means the family member (identified by the family) who is held responsible and accountable for the family.

Housing Agency – A state, county, municipality or other governmental entity or public body authorized to administer the program. The term “HA” includes an Indian housing authority (IHA). (“PHA” Public Housing Authority and “HA” mean the same thing.)

Housing And Community Development Act of 1974 – The Act in which the U.S. Housing Act of 1937 was re-codified, and which added the Section 8 Programs.

Housing Assistance Plan – A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 507.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

Housing Authority Resident - Used interchangeable with the term “tenant”, referring to individual/individuals residing at the Housing Authority of the Borough of Lodi developments.

Housing Quality Standards (HQS) – The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD or Department - Means the United States Department of Housing and Urban Development.

HUD Requirements – HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA – The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

Imputed Asset – Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Income – HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

Income – Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Income For Eligibility – Annual Income.

Income Targeting – The HUD admissions requirement that PHAs not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

Independent Living or Living with Supportive Services - Elderly families which are capable of independent living do not rely on anyone else to perform simple domestic chores, (e.g. cooking, cleaning, shopping) and to maintain an independent life style. If elderly families are not capable of independent living, they should be able to live with supportive services.

Individual with Handicaps, Section 504 definition [24 CFR 8.3] - The Section 504 definitions of Individual with Handicaps and Qualified Individual with Handicaps 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 handicaps means any person who has:

- (a) A physical or mental impairment that:
 - substantially limits one or more major life activities;
 - has a record of such an impairment;
 - or is regarded as having such an impairment.
- (b) 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.

(c) Definitional Elements:

- As used in this definition the phrase, “**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
- 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.

- **“Major life activities”** means: functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

- **“Has a record of such an impairment”** means: has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

- **“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;

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

Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

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 public housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.

(d) The 504 definition of handicap does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered.

(e) The 504 definition of individual with handicaps is 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.

Individual Owner Applicant - Means an individual who seeks to participate as a private owner in any of the project-based assistance programs contained in 24 CFR part 880, 881, 882, 885, or 886.

INS - Means the U.S. Immigration and Naturalization Service.

Involuntary Displacement – Involuntarily Displaced Applicants are applicants who meet the HUD definition for local preference, formerly known as a federal preference. Refer to section on preferences for detailed description.

LandLord – Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

Lease – A Written agreement between an owner and an eligible family for the leasing of a housing unit.

LHA – Housing Authority of the Borough of Lodi or Lodi Housing Authority.

LHA Written Preference System – The system designed by the LHA to select among eligible applicants who claim to have a local preferences (formerly known as federal preferences). LHA has adopted the "federal preference" as LHA Written Preference.

Local Preference – A preference used by the PHA to select among applicant families without regard to their date and time of application.

Low-Income Family – A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families.

Medical Expense Allowance - For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expense in excess of 3% of Annual Income, where these expenses are not compensated for or covered by insurance.

Minimum Rent – An amount established by the PHA between zero and \$50.00.

Minor – A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. (See definition of dependent.)

Mixed Family - Means a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Mixed Population Project - is a public housing project, or portion of a project, that was reserved for elderly families and disabled families at its inception (and has retained that character).

Monthly Adjusted Income – 1/12 of the Annual Income after Allowances.

Monthly Income – 1/12 of the Annual Income before Allowances.

Multifamily Housing Project - For purposes of Section 504, means a project containing **five or more** dwelling units.

National - Means 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). 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.

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.

Net Family Assets – The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

Non-Citizen - A person who is neither a citizen nor national of the United States.

Non-Immigrant Student-Aliens - An alien who has no intention of abandoning his/her foreign residence, who is admitted temporarily to the United States in order to pursue a course of study at an established institution designated by the alien and approved by the Attorney General. The status of the non-immigrant student-alien also applies to the alien spouse and minor children of the alien student.

Non-Occupant - Means one who does not reside in the complex; non-resident, has not acquired title by occupancy; is not listed in lease.

Occupancy Standards – Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and composition [Now referred to as Subsidy Standards].

Participant – A family that has been admitted to the PHA program, and is currently assisted in the program.

Premises – The building or complex in which the dwelling unit is located including common areas and ground.

Processing Entity - Means the person or entity that is responsible for making eligibility determinations and any income re-examinations under any of the programs referred to in 750.3.

Public Assistance – Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

Public Housing Agency (PHA) - Means any State, County, Municipality, or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage or assist in the development or operation of housing for lower income families under 24 CFR Chapters VIII or IX. The term includes Indian Housing Authorities.

QHWRA Of 1998 – Quality Housing and Work Responsibility Act of 1998, the Act which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill or The Reform Act. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 assistance programs.

Re-certification – Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the resident will pay for the next 12 month if no interim changes are reported by the family.

Remaining Member of Resident Family – Person left in assisted housing after other family members have left and become unassisted.

Resident - Are those people who live, work, or have received notice to work in the Borough of Lodi.

Responsible Entity – For the public housing, Section 8 tenant-based assistance, project based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

Secretary – The Secretary of Housing and Urban Development.

Section 214 – Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

Security Deposit – A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

Serviceperson – A person currently in the active military or naval service of the United States.

Service Provider - Means a person or organization qualified and experienced in the provision of supportive services, and that is in compliance with any licensing requirements imposed

by State or local law for the type of service or services to be provided. The service provider may provide the service on either a for-profit or not-for-profit basis.

Single Person – A single person family may be: an elderly person (62 and over), a displaced person, a disabled person, any other single person who is not elderly, displaced or disabled.

Social Security Number (SSN) - means the number that is assigned to a person by the Social Security Administration of the Department of Health and Human Services, and that identifies the record of the person's earnings that are reported to the Administration. The SSN has nine digits separated by hyphens, as follows: 000-00-0000; it does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary under the Social Security System.

Spouse - Means the husband or wife of the head of the household.

Spouse* - (applicable only with regulation "restriction on Assistance to Non-Citizens"). The marriage partner, either a husband or wife, who must be divorced to dissolve the relationship, but not boy/girl friends, significant others or co-heads.

Supportive Services - Means services available to persons residing in a development, requested by disabled families and for which there is a need. The term may include, but is not limited to, meal services, health-related services, mental health services, services for non-medical counseling, meals, transportation, personal care, bathing, housekeeping, chore assistance, safety, group and socialization activities, assistance with medications (in accordance with State law), case management, and personal emergency.

Tenant – The person or persons who executes the lease as lessee of the dwelling unit. Synonymous with resident.

Tenant Rent - The amount payable monthly by the family as rent to the PHA. Where all utilities (except telephone/cable) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone/cable) and other essential housing services are not supplied by the PHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total tenant Payment less the Utility Allowance.

Total Tenant Payment – The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Transient Facility - Would be motels, hotels, or temporary shelter for victims of domestic violence or homeless families. In the case of domestic violence, the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.

Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to and use of such structures.

Unit/Housing Unit – Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

Utilities – Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewerage services. Telephone, television service, frost-free refrigerators, air conditioners, electric and gas clothes dryers, etc. are not included as a utility.

Utility Allowance - If the cost of utilities (except telephone) and other essential housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA 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 safe, sanitary, and healthful living environment.

Utility Reimbursement Payment – The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment (TTP) for the family occupying the unit.

Very Low-Income Family – A lower-income family whose Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

Veteran - A person who has served in the active military or naval service of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the United States Public Health Service) and who has been discharged or released from such service under honorable circumstances.

Violent Criminal Activity – Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting List – A list of families organized according to HUD regulations and LHA policy who are waiting for units to become available.

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.