



**Admission and Continued
Occupancy Policy for
All Housing
Owned and Operated by the
Housing Authority of the City of Dothan**



Housing Authority of the City of Dothan

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Adopted Date

2019-29

Board Resolution

Admission and Continued Occupancy Policy

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I. INTRODUCTION

A. Mission Statement:

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

In order to achieve this mission, we will:

- Recognize residents as our ultimate customer;
- Improve the Dothan Housing Authority (DHA) management and service delivery efforts through effective and efficient management of all available resources;
- Seek problem solving partnerships with residents, community, service agencies and government leadership;
- Apply DHA resources to the effective and efficient management and operation of public housing and project-based voucher programs, taking into account changes in Federal statutes and funding.

B. Purpose of Policy:

The purpose of this (Admissions and Continued Occupancy Policy) ACOP is to establish policies to guide DHA staff to follow in determining eligibility for admission to and continued occupancy of Public Housing and Project-based Voucher Housing. This policy is governed by requirements of the Department of Housing and Urban Development (HUD), and the policy decisions of DHA's Board. The policies governing Admissions and Continued Occupancy are outlined in this policy and these requirements are binding upon applicants, residents and DHA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

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

C. Primary Responsibilities of DHA:

1. Informing eligible families of the availability of public housing and project-based voucher assistance;
2. Determining and posting annually the utility allowances for tenant-paid utilities;
3. Receiving applications from families and determining their qualifications for assistance;
4. Inspecting public housing units to determine that they meet or exceed Uniform Physical Condition Standards (UPCS) for public housing and the Housing Quality Standards (HQS) for project-based vouchers.
5. Executing leases;
6. Collecting rent and other charges on a monthly basis from residents;
7. Conducting annual reexaminations and interim adjustments to rent and unit size and type;

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8. Authorizing and processing evictions; and,
9. Ongoing maintenance and modernization of the public housing and project-based voucher inventory.
10. Annual updates of:
 - Flat rents/Ceiling rents
 - Payment Standards and Fair Market Rents
 - Utility allowance schedules
 - Annual and five-year plans
 - Grievance and Informal Hearing Officers
 - Local childcare rate comparability
 - Maintenance charges
 - Income limits for admission and continued occupancy

D. Objectives:

1. Promote the overall goal of drug free, decent, safe, and sanitary housing by:
 - Ensuring an economic mix of residents within each assisted housing neighborhood to foster social stability and upward mobility.
 - Ensuring the fiscal stability of the DHA.
 - Lawfully denying admission or continued occupancy to applicants or residents whose presence in an assisted housing neighborhood would be likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to DHA employees.
 - Ensuring that elderly families can live in public housing as long as they are able to remain lease compliant and/or have someone to help them remain lease compliant (for example, a live-in aide).
2. Facilitate the efficient management of the DHA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the DHA inventory and staff.
3. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, sex, national origin, disability, sexual preference, gender identity , or familial status.

II. NONDISCRIMINATION

A. Complying with Civil Rights Laws:

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

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- Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, or national origin;
- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which prohibits discrimination based on race, color, religion, sex or national origin and extends protection against discrimination based on disability and familial status, and spells out forms of prohibited discrimination;
- Executive Order 11063;
- Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;
- The Age Discrimination Act of 1975, which establishes certain rights of the elderly;
- Title II of the Americans with Disabilities Act of 1990 (ADA) requires that the DHA provide individuals with disabilities with access to its programs, services and activities including, common areas and public spaces. However, Title II does not require that individual housing units be accessible to individuals with disabilities; rather, Section 504 and the Fair Housing Act govern access for individuals with disabilities to the DHA's housing units;
- Any applicable state laws or local ordinances, and;
- Any legislation protecting the individual rights of residents, applicants, or staff that may subsequently be enacted.

DHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it enables persons with disabilities to participate in the public housing or project-based voucher program.

2. DHA shall not discriminate because of race, color, national origin, sex, sexual orientation, gender identity, marital status, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under DHA's jurisdiction covered by a public housing or Section 8 Annual Contributions Contract with HUD.
3. DHA shall not, on account of race, color, national origin, sex, sexual orientation, gender identity, marital status, religion, familial status, or disability:
 - Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to their needs;
 - Provide anyone housing that is different (of lower quality) from that provided others;
 - Subject anyone to segregation or disparate treatment;
 - Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
 - Treat anyone differently in determining eligibility or other requirements for admission;
 - Deny anyone access to the same level of services; or
 - Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

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

The undue burdens test is not applicable to new construction or housing undergoing "substantial alteration."

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

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

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

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

2. Documents used by applicants and residents will be accessible for those with vision or hearing impairments. All documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Documents may be translated into languages other than English if 10 percent of the eligible population of DHA's jurisdiction speaks a language other than English.
3. DHA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, DHA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.
4. When DHA has initial contact with the applicant, the DHA staff will ask whether the applicant requires an alternate form of communication. Examples of alternative forms of communication might include, but are not limited to:
 - A qualified sign language interpreter provided for and paid for by the DHA;
 - Having written materials explained orally by staff either in person or by telephone;
 - Provision of written materials in large/bold font; information on audiocassette or compact disc;
 - Permitting applicants to file applications by mail; and,
 - Permitting alternative sites for the receipt of applications. In addition, DHA's obligation to provide alternative forms of communication to persons with disabilities does not preclude an individual's right to have a friend, relative or advocate accompany him/her for purposes of conducting business with the DHA.
5. Some applicants will not be able to read (or to read English) so the intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English [Limited English Proficiency (LEP)] may furnish an interpreter who can explain the process. However, when LEP persons choose not to utilize the free language assistance services expressly offered to them by the DHA but rather choose to rely upon an interpreter of their own choosing (whether a professional interpreter, family member, or friend), LEP persons should be permitted to do so, at their own expense.
6. At a minimum, the DHA will prepare information to be used by applicants and residents in plain language accessible formats.
7. DHA shall comply with all provisions of the Violence Against Women Act (VAWA) and shall not discriminate against any person who is protected by said Act.

III. FAMILY INFORMATION, VERIFICATION & PRIVACY RIGHTS

- The family must supply any information that DHA determines is necessary in the administration of the public housing or project-based voucher program. "Information" includes any requested certification, release or other documentation.

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- The family must supply any information requested by DHA for use in a regularly scheduled reexamination or an interim reexamination of family income, community service requirements and family composition in accordance with HUD requirements.
- The Tenant must supply information to the DHA regarding any guardianship information, or the need to contact a third party on behalf of the Tenant.
- Any information supplied by the family must be true and complete.
- The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with the administration of the program.
- Applicants will be required to sign the Federal Privacy Act Statement, HUD 9886 form.
- Requests for information by other parties must be accompanied by a signed release for DHA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations.
- Information received to verify eligibility or continued occupancy shall be confidential and not disclosed to any third party without a written release and/or proper authorization.
- Information received relating to credit history, EIV, and criminal history shall be governed by those respective policies.

IV. APPOINTMENTS

A. Types of Appointments:

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

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

B. Process When Appointment(s) Is Missed:

1. Applicants:

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

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2. Residents:

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

If the representative of DHA and/or Hearing Officer makes a determination in favor of the applicant/resident, the DHA will comply with the decision unless the provisions of the Grievance Procedure (Public Housing) or the Informal Hearing Procedure (Project-based Vouchers) is applicable to the hearing officers decision.

C. Letters Mailed to Applicant(s)/Resident(s) by the DHA:

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

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

Applicants must notify DHA, in writing, if their address, phone number or email address changes during the application process.

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

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

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

A. Affirmative Marketing:

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

a) Marketing and informational materials will:

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

b) Outreach:

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

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

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reasonable accommodation, race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Public Housing or project-based vouchers. In Dothan There is a Local Housing Plan, "Comprehensive Housing Affordability Strategy" (CHAS) in Dothan, so the DHA planned programs will be incorporated in the CHAS.

B. Qualifying for Admission:

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

1. It is DHA's policy to admit only qualified applicants.
2. An applicant is qualified if he or she meets all of the following criteria:
 - a) A family, as defined in the appendix.
 - b) Meets HUD requirements on citizenship or immigration status;
 - c) Has an annual income (as defined in the appendix) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in the DHA offices. For applicants to public housing, the income limit is the "lower income" limit (based on 80% of area median income). For applicants to the project-based voucher properties, the income limit is the "very low-income limit (based on 50% of area median income). In addition, HUD's income-targeting rules for "extremely low" income families are applied – 40% of public housing admissions and 75% of project-based voucher admissions must be families of extremely low income.
 - d) Provides documentation of Social Security numbers for family members or certifies that they do not have Social Security numbers (Citizens and lawfully present non-citizens, who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury to the PHA. The PHA should maintain the declaration in the tenant file). Except, if an applicant family has an infant family member(s) who does not have a Social Security number, the family may be admitted provided the family provides such documentation within 90 days of the admittance date. An extension of the 90-day period must be granted if the DHA determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant. If the applicant family does not produce the required documentation within the authorized time period, DHA will proceed with termination of tenancy; and
 - e) Meets the Applicant Selection Criteria including completing the DHA approved pre-occupancy orientation session if requested.

C. Establishing and Maintaining the Waiting List.

1. Administration of the Waiting List:

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

There will be one waiting list for public housing properties and a separate waiting list for each of the project-based voucher properties. Each waiting list will be sorted into

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sub-lists by unit size (number of bedrooms) and preference category (preference or no preference).

There will be a separate waiting list for accessible units for the convenience of residents and applicants with mobility impairments.

2. Opening and Closing Waiting Lists

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

3. Determining if the Waiting List may be Closed.

- i) Closing of Application Taking:
DHA will make known to the public through publication in a newspaper of general circulation, minority media, or other suitable means that applications for public housing units are being suspended. To reach persons who cannot read the newspapers, the DHA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.
- j) Opening of Application Taking:
When DHA decides to start taking applications, the waiting list may be opened by bedroom size, by property or by unit type. DHA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for eligible families. The notice must contain the following:
- The Equal Housing logo and fair housing information;
 - The date applications will be accepted and the location where applications can be completed. If the DHA anticipates suspending the taking of applications after a period of time, the closing date must be published;
 - Advise families that applications will be taken at the designated office;
 - Briefly describe the public housing program and the project-based voucher program;
 - State that applicants for public housing or the project-based voucher properties must specifically apply for those units and those applicants for public housing may also apply for the Section 8 housing choice voucher program, if that waiting list is open, and they will not lose their place on the public housing waiting list if they also apply for Section 8 assistance; and

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- To reach persons who cannot read the newspapers, the DHA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

The application taking closing date may be determined administratively while DHA determines when to open enrollment. The open enrollment period shall be long enough to allow enough applicants to fill projected vacancies in the next 12 months because of the projected turnover.

4. Updating the Waiting List:

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

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

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

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

- a) Situations of some families who did or did not qualify for a preference when they applied may change so they are qualified for no longer or a preference. The family should contact DHA so their status may be certified or verified. Applicants whose preference status changes while they are on the waiting list retain their original date and time of application, or application number, as applicable.
- b) If the DHA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application. They will then be informed in writing of how the change in status has affected their place on the waiting list.
- c) If DHA determines that the family no longer qualifies for a preference, they will be moved to the “no preference” list retaining the date and time of application or application number. They will then be informed in writing of how the change in status has affected their place on the waiting list.

D. Processing Applications for Admission:

1. How to Apply:

Families wishing to apply for Public Housing or any of the project-based voucher properties shall complete an application for such assistance. Applications may be made online at dothanhousing.org. or may be made utilizing the onsite computer during

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specified dates and business hours posted at DHA's office(s) at the following location(s): 602 S. Lena Street, Dothan, Alabama.

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

2. Interviews and Verification Process:

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

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

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

Step	Action
1st	<p>Compare tenant provided income information (minimum of 6-8 weeks current and consecutive pay stubs/checks) to Enterprise Income Verification (EIV) data and if tenant data is within \$200/month or \$2400/year use the higher of EIV or tenant provided data. If the tenant disputes the EIV data or if the difference is greater than \$200/month or \$2400/year go to step 2. <u>USE OF EIV FOR ANNUAL AND INTERIM REEXAMINATIONS IS REQUIRED.</u></p> <p>NOTE 1: EIV is generally available for new move-ins within 7 days of submission of Form HUD-50058</p> <p>NOTE 2: Document by printing "ICN" page and placing in the tenant file.</p>

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	<p>NOTE 3: If no match is found print the “no match found” message and file with tenant record.</p> <p>NOTE 4: Printed EIV income reports containing wage and unemployment data must be destroyed no later than two (2) years after the date printed.</p>
2nd	Up front income verification (UIV) (Ex: Work Number, Credit Bureau). If desired information is NOT obtained go to next step.
3rd	Third party written verification. Send standard income verification to income source(s). May be sent by mail, email or fax. <p>Note: <i>If a response is not received in a timely manner a 2nd letter may be sent but not required in all cases.</i></p> <p>If desired information is NOT obtained go to next step.</p>
4th	Document Review: Resident file documentation may include a record of documentation reviewed by DHA staff which supports the family's statement. If possible, originals (not photocopies) of supporting documents should be reviewed, though DHA should photocopy the document(s) (unless prohibited by law) and place in the applicant's file. DHA staff reviewing the document(s) should prepare a summary of the information and sign/date this summary. This summary should include the reason for using document review as verification and again, if possible, DHA should follow-up with a third party to obtain written verification later. <p>If desired information is NOT obtained go to next step.</p>
5th	Third Party oral verification (documented to file). This could be via phone or interview by staff. A written record of this contact should be prepared by DHA that includes date/time of contact, name and source of information, the DHA staff person, summary of information provided, and the reason for using oral verification. <p>If desired information is NOT obtained go to next step.</p>
6th	Family Declaration or Certification: When all other forms of verification are impossible to obtain, the DHA can obtain a notarized statement or signed affidavit from the family, attesting to the accuracy of the information provided. The applicant's file should clearly document why other forms of verification were impossible to obtain. Please note that this type of documentation should rarely be used and should not be used merely for the convenience of the applicant or the DHA, or where the applicant cannot provide the necessary information. <p>Note: May require re-verification in less than 12 months.</p>

- d) Assets and Asset Income; During the intervening annual reexaminations, DHA will accept a family’s declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. The family’s declaration of total assets must show each asset and the amount of income expected from that asset and must be signed by all family members 18 years of age and older.
- e) Social Security and SSI;
 Check EIV, if not available: request that the applicant provide a copy of their SS or SSI benefit award letter. If the applicant does not have a current letter, assist the

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applicant in requesting the benefit letter from the SSA website. www.socialsecurity.gov

- f) Deductions from Income;
Same as income (start with 2nd step)
- g) Preferences;
Same as income (start with 2nd step)
- h) Social Security Numbers (SSN) of all Family Members; Families are required to provide SSN's for all family members prior to admission. All members of the family defined above must provide an original valid social security card or other document from the Social Security Administration with the individual's name and social security number on it.

- Current family members without a copy of the social security card in the tenant file must provide an original valid card with two months of admission .
- Prior to being added to the lease (newborns/adoptions/etc.) the head-of-house must provide an original valid card.

Exception for the following individuals:

Those individuals who do not claim to have eligible immigration status (individuals who may not have eligible immigration status). These individuals in most instances would not be eligible for a SSN.

- A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 - A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The PHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not claim to have eligible immigration status.
- i) Applicant Screening Information; and the DHA documented direct knowledge or 3rd party
 - j) Citizenship or eligible immigration status. Citizens are permitted to certify to their status. Eligible Immigration status will be verified with the US Citizen and Immigration Service (USCIS).
3. Applicants reporting zero income will be interviewed to complete a family expense form to document how much they spend on: food, transportation, health care, childcare, debts, household items, etc. and what the source of income is for these expenses. Individuals who drive cars or smoke have some source of income.

4. DHA's applications for admission public housing shall indicate for each application the date and time of receipt or application number; applicant's race and ethnicity; determination by DHA as to eligibility of the applicant; when eligible, the unit size(s) for which eligible; preference, if any. The date, location, identification, and circumstances of each vacancy offered and accepted or rejected must be maintained in the file.

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E. The Preference System

1. An admission preference:

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

2. Factors other than preferences:

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

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

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

3. Verification of Preferences:

At the time of application, initial determinations of an applicant's entitlement to a preference may be made based on an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified. Applicants who do not qualify for the claimed preferences at the time of certification

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will be moved to the “no preference” application pool without losing their date and time of application/application number.

4. Preference (up front):

In any 12-month period 50% of waiting list admissions will be preference holders while the remaining 50% of waiting list admissions will be non-preference families. To achieve this mix admissions staff will alternate admissions between the preference and non-preference applicants.

The following equal preferences are available to qualifying families if they are verified to qualify at the time of certification. Families qualifying for preferences will be sorted within the preference pool of applicants by date and time of application or application number, whichever is applicable. The preferences are not hierarchic nor are they aggregated – a family that qualifies for two preferences is not in a higher waiting list position than a family that qualifies for a single preference:

- Category 1: An individual or family displaced by a declared Natural Disaster or
- An individual or family who is homeless, meaning:
 - a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
 - b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements; or
 - c. An individual or family who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
 - d. An individual who does not have standard rental housing leased in his/her name (this includes persons who are “couch surfing”, bouncing between housing belonging to friends and/or extended family members.
- Category 2 the Violence Against Women Act preference: Any individual or family who:
 - a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
 - b. Has no other residence; and
 - c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing
- Category 3: Working Family preference:

Working families will be given preference on the waiting list subject to DHA meeting the HUD regulation of leasing a minimum of 40% of new admissions to extremely low-income families during a calendar year.

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A “working family” has an adult family member is employed at a minimum of 20 hours per week at the Federal minimum wage for the last 120 calendar days prior to admission.

In accordance with HUD regulations, working family also includes a family with the head of household and spouse, or sole member being a person age 62 or older or is a person with disabilities as defined in this policy.

In addition to the above equal preferences, DHA uses a Residency Preference as a ranking preference. To be eligible for this preference an applicant must be:

- a. A current Resident of the City of Dothan; or
- b. A family with an adult member who works in the City of Dothan; or
- c. A family with an adult member who has been hired to work in the City of Dothan.

In selecting families from either the preference or non-preference waiting list categories, the Residency Preference acts as a tiebreaker. Between two qualified applicants with equal preferences, the Dothan resident will be processed and receive a unit offer before the non-resident.

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5. Special Circumstance Preferences:

These preferences apply only to specific units

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

6. Administration of the Preferences:

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

The DHA grievance procedure applies only to residents. It does NOT apply to applicants.

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F. Screening Applicants for Admission.

1. HUD Regulations

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

2. Complying with essential lease requirements:

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

Applicants who owe money to DHA or any other federally subsidized housing program will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed. After the application is processed, the applicant must meet all other conditions for occupancy. Re-paying funds that are due, does not guarantee admission for an applicant. Such payments will be considered along with other factors in the application process. Any money owed to a DHA which has been discharged by bankruptcy shall not be considered in making this determination.

- f) DHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available looking for recent crimes of violence or drug-related criminal history. Before DHA rejects an applicant on the basis of criminal history, the DHA must notify the household of the proposed rejection and proceed under the provisions of the Criminal Records Management Policy.

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- g) The DHA will verify the information provided by the applicant by searching the Dru Sjodin National Sex Offender Database. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: <http://www.nsopw.gov>.
- h) A record of this criminal history screening, including date performed, will be retained. DHA will destroy the results of the search in accordance with 24 CFR 5.903 (g). The DHA will retain the results of the search, along with the application, for a period of three years if the applicant is denied housing or, if the applicant is admitted to the program, for the term of tenancy plus three years.
- i) If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, DHA may seek information from a drug abuse treatment facility or local law enforcement agency to determine whether the facility or agency has reasonable cause to believe the household member is currently engaging in illegal drug use.
- j) All applicants will be asked to attend and complete DHA's Pre-Occupancy Briefing/Orientation.
- k) The DHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant family's adult members':
- Past performance in meeting financial obligations, especially rent and utility bills.
 - Record of disturbance of neighbors, (sufficient to warrant a police call) destruction of property or living or housekeeping habits that may adversely affect the health, safety, or welfare of other residents or neighbors.
 - History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that could adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.
- DHA may require an applicant to exclude a household member in order to be admitted if that household member has participated in or been culpable for criminal actions that warrant rejection.
- A record of eviction from housing or involuntary termination from residential programs (considering date and circumstances).
 - An applicant(s) ability and willingness to comply with the terms of DHA's lease.
- l) DHA is required to reject the applications of certain applicants for criminal activity or drug abuse by household members:
- The DHA shall reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, DHA may admit the household if the DHA determines that:

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- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the DHA, or
- The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- DHA is required to reject the application of a household if the DHA determines that:
 - Any household member is currently engaging in illegal use of a drug; or
 - DHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing;
 - Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program; or
 - Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

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

- m) An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, or rent will result in rejection. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
- n) Applicants must be able to demonstrate the ability and willingness to comply with the terms of DHA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission. Availability of assistance will be verified by DHA.
- o) Have previously been evicted from public housing, including having moved from DHA as a result of their lease being terminated by the DHA.
- p) Committed acts, which would constitute fraud in connection with any federally, assisted housing program.
- q) Did not provide information required within the time frame specified during the application process.
- r) During the interview process, the applicant demonstrates hostile or threatening behavior that indicates that the prospective applicant may be a threat to our public housing residents.
- s) The applicant and all adults must sign a release allowing DHA to request a copy of a police report from the National Crime Information Center, police department or

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other law enforcement agencies. If the DHA uses the information to deny or terminate assistance the DHA must provide a copy of the information used in accordance with Criminal Records Management Policy.

- t) If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his lease, the applicant may be declared ineligible.

3. Screening applicants who claim mitigating circumstances.

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

4. Qualified and Unqualified Applicants:

- a) Verified information will be analyzed and a determination made with respect to:
 - Eligibility of the applicant as a family;
 - Eligibility of the applicant with respect to income limits for admission;

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- Eligibility of the applicant with respect to citizenship or eligible immigration status;
 - Unit size required for and selected by the family;
 - Preference category (if any) to which the family is entitled; and
 - Qualification of the applicant with respect to the Selection Criteria.
- b) Qualified:
Families will be notified by DHA of the approximate time frame of admission insofar as that date can be determined; however the time frame stated by the DHA is an estimate and does not guarantee that applicants can expect to be housed by that date.
- c) Denied Generally, applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:
- 1) Denied admission for up to one year for the following:
 - Past rental record,
 - Bad rent paying habits,
 - Bad housekeeping habits, in and outside the unit,
 - Damages,
 - Disturbances,
 - Unauthorized occupants in current housing,
 - Demonstration of hostile behavior during the interview process that indicates that the applicant may be a threat to staff or residents,
 - Being evicted from DHA, including having moved from DHA as a result of their lease being terminated by DHA for reasons other than as listed below (beginning on the date of such eviction),
 - Having other federally subsidized housing assistance terminated for reasons other than as listed below (beginning on the date of such eviction).
 - 2) Denied admission for up to three years for the following:
 - Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity (except drug trafficking) are ineligible for admission to public housing for up to a three-year period beginning on the date of such eviction.
 - DHA will consider mitigating circumstances including successful completion of a rehabilitation program approved by DHA, or the circumstances leading to the eviction no longer exist.
 - Drug use without evidence of rehabilitation.
 - 3) Denied admission for up to five years for the following:
 - Fraud: (giving false information on the application or during an interview is considered fraud).
 - A criminal record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on date of the last reported act or conviction.
 - 4) Denied admission for up to 10 years for the following:
 - From date of conviction for drug trafficking.

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

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

d) Notice to Deny Applicants:

Unqualified applicants will be promptly notified by a Notice of Rejection from the DHA, stating the basis for such determination and offering an opportunity for an informal hearing if applying for public housing or an informal review if applying for a project-based voucher property (see Procedure for Informal Hearing for Rejected Applicants). The denial letter will allow the applicant 10 calendar days to request an informal hearing or review as applicable (verbal and/or in writing) with DHA. A DHA representative will hear the appeal or conduct an informal review and issue a decision within 10 calendar days of the meeting. Informal hearings/reviews for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process, which is only available to public housing residents.

G. Occupancy Guidelines:

1. Guidelines:

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

Guidelines

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

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

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

2. The general HUD standard:

One person per bedroom is the largest unit a family may occupy and two persons per bedroom will be the standard for the smallest unit a family may be offered.

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

3. Family Options:

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

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

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VII. TENANT SELECTION AND ASSIGNMENT PLAN

A. Organizing the Waiting List for Public Housing

1. Community-wide Waiting List: public housing

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

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

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

2. Site-based Waiting List: Project-based Voucher Properties:

DHA has site-based waiting lists for each of the project-based voucher properties,

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

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

B. Making Unit Offers to Applicants

DHA IS RESPONSIBLE for keeping accurate records showing: eligibility status on waiting list, position on waiting list, offers made, and offers refused (reason), and date housed. *****To meet this requirement, that DHA will keep a printed copy of the waiting list each time it is reordered,***

1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability, sexual preference, gender identity or familial status in this policy, a one offer system will be used to make unit offers.

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- The first qualified applicant in sequence on the waiting list is made one offer of a unit of appropriate size and type.
 - If the applicant refuses the unit offered without good cause the date and time of their application will be changed to the date and time of the refusal and loss of any preference. Refusal because of good cause will not result in loss of current position on waiting list. This must be documented to and verified by DHA.
 - If an applicant refuses an offer at one of the project-based voucher properties their application will be withdrawn from the waiting list and if they wish to reapply, they must do so when the list is open.
2. DHA will first match the unit available to the highest-ranking applicant for a unit of that size, type and special features (if any). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application or application number will receive the offer.
 3. In the selection of a family for a unit with accessible features, the DHA will give preference to families that include a person with disabilities who can most benefit from the unit features. (Current residents have priority over applicants for being housed in an accessible unit.)
 4. The applicant must accept the vacancy offered within three working days of the date the offer is communicated by first class mail (or the method of communication designated by an applicant with disabilities) or be removed from the waiting list.
 5. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that will be ready for move-in first. If two units are anticipated to be ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.
 6. The provisions of the income targeting rule, contained within this policy, shall supersede the selection of applicants based on date and time/application number and local preference points, if applicable, and allow DHA to skip families on the waiting list to accomplish this goal.

For every fiscal year, 40 % of applicants admitted shall be families with Extremely Low Incomes (less than 30% of area median income).

At the project-based voucher properties 75% of applicants admitted from the waiting list must be families with Extremely Low Incomes. This means that three out of every four applicants shall be families with Extremely Low Incomes and the fourth family may be one with an income between the Very Low Income and Extremely Low Income limits.

C. Removing Applicant Names from the Waiting List:

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

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

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

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

D. Good Cause for Applicant Refusal of Unit Offer:

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

1. Examples of (good cause) for refusal of an offer of housing are:
 - The unit's location is inaccessible to source of employment, education, or job training, children's day care, or educational programs for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;
 - The family demonstrates that accepting the offer will place a family member's life, health, or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;

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- A health professional verifies temporary hospitalization or recovery from illness of the principal household member or other household members (each as listed on final application);
 - The unit has lead paint and the family has children under the age of seven;
 - The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move;
 - An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing; or
2. If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list.

E. Leasing Accessible Units:

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

F. Smoke Free Campus

The Housing Authority is a Non-Smoking or Smoke Free Campus. Residents, other household members, visitors and guests are not allowed to smoke within the common areas and hallways of these buildings, inside dwelling units, or, within any designated buffer zones surrounding the building exterior of sites designated as Non-smoking or Smoke Free. Resident failure to adhere to nonsmoking and smoke free restrictions established by the Housing Authority, or to ensure their household members, visitors and guests abide by the policy will be considered a violation of the Dwelling Lease and could be cause for termination of tenancy.

G. Administering the Applicant and Transfer Waiting Lists:

Applications for admission and transfer to both public housing and project-based voucher properties will be processed centrally. Initial intake, waiting list management, screening, and assignment of housing (including transfers) will be made from the central office. Offers may be made in person, in writing or by phone from the central office or the property.

H. Transfers:

Some transfers take priority over new admissions. See IX.

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VIII. LEASING POLICIES

A. General Leasing Policy:

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

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

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

B. Showing Units Prior to Leasing:

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

C. Additions to the Household and Visitors:

1. Only those persons listed on the most recent lease shall be permitted to occupy a dwelling unit.
 - Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in

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writing before the new member moves in. The family shall notify DHA of all births, adoptions and court awarded custody within ten days of the occurrence.

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

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- Medical hardship or other extenuating circumstances shall be considered by the DHA in making determinations under this paragraph.
9. A resident may add a minor to the lease using the “Power of Attorney” provisions of Section 25-2A-7, Code of Alabama 1975. DHA shall require that the resident use DHA form, have the form filed and recorded with the Probate Judge, and return the recorded form to DHA office. The additional person must still meet all criteria of the admissions process and all other provisions of this ACOP shall apply, including DHA’s consideration of whether the unit will still be properly sized, etc. DHA shall verify that the person added to the lease via this method is actually living in the unit. The Power of Attorney is good for only one year and must be annually renewed, recorded, etc.

IX. TRANSFER POLICY

In the public housing program, it is possible to transfer tenants between public housing properties. In the project-based voucher program, transfers can only be made between units in a given property and not between properties. In this program each property is a separate entity.

A. Objectives of the Transfer Policy:

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

B. Types of Transfers:

1. DHA-Mandated:

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

2. Transfers for Reasons of 504/ADA Reasonable Accommodation or VAWA:

- a. **504/ADA reasonable accommodation:** If a resident requests a transfer as a reasonable accommodation under Section 504 or the American with Disabilities Act (ADA), DHA will request third party verification from a qualified medical practitioner. The verification form will ask the medical practitioner two questions: “Is the resident making the request an Individual with a Disability as defined at 24 CFR part 8.2?” and “does this individual need the transfer because of the disability?” If the answer to both questions is YES, the resident qualifies for a 504.ADA transfer.
- i. DHA will pay for all reasonable moving expenses pursuant to DHA’s schedule of relocation cost.
 - ii. If a family with no disabled members is currently occupying an accessible unit and that unit is needed to transfer a family with a disabled member, DHA will pay the transfer costs of the non-disabled family.

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- b. Reasonable Accommodation transfers will not incur a convenience transfer fee.
- c. Transfers for a reasonable accommodation take precedence over those on the waiting list needing a reasonable accommodation.
- d. Reasonable Accommodation transfers will be within the resident's original neighborhood unless the appropriate size and type of unit does not exist on the site.
- e. Violence Against Women Act (VAWA): Resident will be transferred when DHA receives the Emergency Transfer Request, Form HUD 5383. This request must be received within 90 days from the qualifying event.
- f. The resident must pay for all moving expenses.
- g. If the Form HUD 5383 is not submitted timely, the request shall be treated as a convenience transfer under Section IX.B.6.
- h. Families requesting transfers under VAWA must verify the domestic abuse, dating violence, stalking or sexual assault.

3. Other DHA Initiated Transfers:

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

- Determination of the correct sized apartment shall be in accordance with the DHA's occupancy guidelines.
- Transfers into the appropriately sized unit will be made within the same neighborhood unless that size does not exist on the site.
- The resident must pay for their moving expenses.
- Incentive transfers are offered to residents who have good rental histories and want to move to units other than those they currently occupy on a non-discriminatory basis.

4. Convenience Transfers:

The Executive Director or his/her designee may at his/her discretion permit a transfer within a housing community (public housing or project-based voucher property) for the convenience of the resident. All costs of the transfer shall be borne by the resident. A "Transfer Charge" will be based on our contract price for actual maintenance (loaded time and materials) beyond normal wear and tear plus an administrative charge of \$100.00 for processing the transfer. DHA will charge the actual cost of the transfer, which includes the administrative cost, the cost of preparing the unit for re-rental and, if applicable, a penalty for not turning in the keys to the old unit within three days of the transfer. The resident is allowed a period of three days to move and turn in the keys to the old unit without being charged a penalty. If the move takes more than three days, and the keys are not turned in the resident will be charged \$20.00 per day for each additional day.

Prior to the transfer, DHA will perform an inspection on the current unit to determine the amount of charges the resident will be required to pay as a result of resident-caused damages, if any. All transfer charges must be paid at the time the resident signs his/her lease and receives the keys for the new unit. DHA will perform a final inspection with the resident on the unit that the resident transferred from, after the keys are turned in, and a final determination will be made by the DHA staff as to additional charges that

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may be due the DHA. For example, the resident may not have cleaned the unit properly and/or damaged the unit during the moving process. If there are any charges that are due the DHA because of this inspection, the resident must pay for these damages within 14 days of written notice from the DHA. The resident must sign a transfer agreement after the DHA has authorized the transfer and prior to the transfer.

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

5. After DHA's conversion under the Rental Assistance Demonstration there will be no transfers between properties. Transfers within properties will be possible but if a resident wishes to move from public housing to a project-based voucher property or from one project-based voucher property to another, the resident must apply to the desired project-based voucher property when the waiting list is open.

C. Priorities for transfers:

All transfers must be either for 504/ADA reasons, for relocation to an appropriately sized unit, approved convenience transfers, or initiated by DHA due to modernization work and/or other good cause as determined by DHA. Priority transfers are listed below:

1. DHA and transfers for reasons of VAWA, or for 504/ADA Reasonable Accommodations described above take priority over new admissions.
2. Other DHA initiated transfers are high priorities; the Executive Director has discretion to determine when these transfers should take precedence over admissions.
3. Convenience transfers are not a high priority and do not take priority over new admissions.

Within each priority type, transfers will be ranked by date. In processing transfers requested by residents for approved 504/ADA reasons or to move to a larger unit the date shall be the date the change in family circumstances are verified by the manager. The DHA reserves the right to immediately transfer any family who has misrepresented family circumstances or composition, and the family will be charged the posted rate for convenience transfers. Failure to pay for these charges will result in termination of the dwelling lease.

D. Transfer Procedures:

1. DHA shall:

- Prepare a prioritized transfer list, as needed, at re-examination.
- Notify residents by letter of their pending transfer.
- Participate in evaluation of request for transfer based on approved medical reasons.
- Issue final offer of vacant unit as soon as vacant unit is identified.
- Issue notice to transfer as soon as vacant unit is available for occupancy.

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- Participate in planning and implementation of special transfer systems for modernization and other similar programs.
- Inspect both units involved in the transfer, charging for any resident damages that are not considered normal wear and tear.

2. Offers:

Only one offer of an appropriate unit will be made to each resident being transferred within his/her own neighborhood. In the case of a family being transferred from a unit that is uninhabitable, incorrectly sized or scheduled for major repairs, failure to accept the unit offered will be grounds for eviction.

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

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

1. In general, and in all cases of resident requested transfers (except for medical reasons 504/ADA Reasonable Accommodation requests), residents will be considered for a transfer only if the head of household and any other family members for the past two years:
 - Have not engaged in criminal activity that threatens the health and safety of residents and staff;
 - Do not owe back rent or other charges or evidence a pattern of late payment;
 - Meet reasonable housekeeping standards and have no housekeeping lease violations; and
 - Can get utilities turned on in the name of the head of household (applicable only to properties with resident paid utilities).
2. Exceptions to the good record requirements may be made for emergency transfers, 504/ADA Reasonable Accommodations, or when it is to DHA's advantage (e.g. downsizing to correct over-housing). Absent a determination of exception, the following policy applies to transfers:
 - If back rent or other charges are owed, the resident will not be transferred until paid in full.
 - A resident with housekeeping standards violations will not be transferred until he/she demonstrates acceptable housekeeping standards for six months and passes a follow-up housekeeping inspection.

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

A. Eligibility for Continued Occupancy:

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

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1. Qualify as a family as defined in the definition section of this policy. For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court recognized emancipated minors under age 18.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, each have Social Security numbers or have examinations on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who comply with DHA's eight hour per month community service requirements.
6. Whose adjusted income has not exceeded the HUD-established "over-income limit" for two consecutive recertifications following the initial determination that the family's adjusted income exceeds the over-income limit. The over-income limit is 120% of the area median income (which is 1.5 times the public housing "lower income" limit).

B. Reexaminations:

1. Regular (Annual) reexaminations:

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

- a) Each family will be required to furnish information in described in Section III (A) of the Dwelling Lease and in the Community Service Policy. Verifications acceptable to DHA shall be obtained and determinations made. In the event of failure or refusal of resident to report the necessary information, DHA may terminate the Lease. This reexamination shall be done at least 30-days and not more than 120-days prior to the anniversary month. The new rent shall take effect on the anniversary month.
- b) Records shall be maintained to ensure every resident being reexamined within a 12-month period or more frequently.
- c) Upon completion of reexamination and verification, resident shall be provided reasonable advanced notice (generally assumed to be 30 days), in writing, prior to the effective date of the following: (A copy of such notification is to be retained in the resident's file.)
 - Any change in rent and the date on which it becomes effective.
 - Any change required in the size of dwelling unit occupied.
 - Any instance of misrepresentation or noncompliance with the terms of the Dwelling Lease and the corrective action(s) to be taken.
 - The amount of the resident rent and the amount of the flat rent.
 - In the event of change in resident circumstances resident will be sent a notice to report to the management office at a specified date and time to execute a new first page of the lease.

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- d) If this DHA determines that the size of the premises is no longer appropriate for resident's family size, the resident may be required to transfer to another unit as outlined in the Transfers Section.
- e) If DHA determines at a regular reexamination or an interim redetermination that the family's income exceeds the "over-income" limit, DHA will flag the file and notify the family that if their income continues to exceed the over-income limit for two consecutive years, the family will be required to:
 - Pay the higher of the HUD Fair Market Rent for their unit or the amount of subsidy HUD pays for the unit; or
 - Move out of the unit in 6 months.

2. Special Reexaminations:

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

- a) If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent will be made and a special reexamination shall be scheduled for 30, 60, or 90-days, depending on circumstances. The resident shall be notified, in writing, of the date of the special reexamination.
- b) If the family income can be anticipated at the scheduled time, the reexamination shall be completed, and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special reexamination shall be prescribed, and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
- c) Rents determined at special reexaminations shall be made effective as noted in the next section.
- d) When a family qualifies for an earned income disallowance, the date for their next regular reexamination shall be permanently adjusted to be 12 months following the date that the income disallowance began.
- e) Families reporting zero income will have their circumstances examined according to the special reexamination section until they have a stable income. Regular or recurring monetary and non-monetary contributions from persons not residing in the dwelling unit for any purpose shall be considered income as required by HUD regulations (24CFR Part 5.609).

3. Procedures:

- 90 to 120 days prior to the anniversary date of lease, DHA will mail the resident a notice and appointment date for reexamination.
- At the time of reexamination, all adult members of the household will be required to complete and sign all applicable forms required by DHA to determine family composition and income.
- Income, deductions, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's folder.
- An EIV report(s) will be generated prior to the reexamination interview.
- Verified information will be analyzed and a determination made with respect to:

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- Eligibility of the resident as a family or as the remaining member of a family;
- Unit size required for the family (using the Occupancy Guidelines);
- Rent the family should pay; and
- Utility allowance for which the family is qualified.
- Residents with a history of sporadic or multiple temporary jobs whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment when a pattern can be determined. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
- Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.
- Residents shall be given a copy of DHA's Request for a Reasonable Accommodation Form and a copy of the VAWA forms.

4. Action Following Reexamination:

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

XI. INTERIM RENT ADJUSTMENTS

A. Adjusting Rent between Regular Reexaminations

1. Residents are required to report all changes in income, family composition or status to DHA in writing within 10 calendar days of the occurrence. Failure to report in writing within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. Residents are also required to report interim increases in income if they have been granted interim rent reductions.
2. DHA wishes to encourage families to improve their economic circumstances, so most increases in family income between reexaminations will not result in a rent change.
3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the DHA.
4. DHA will process interim adjustments in rent as follows:
 - a) Income Change:
The DHA action:
 - Decrease in family income for any reason, except for decrease that lasts fewer than 30-days. The DHA will process an interim reduction in rent if the income decrease will last more than 30 days. Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self-sufficiency requirements are not eligible for rent reductions.

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- Increase in family income following granting of interim rent decrease. DHA will process an interim increase in rent for income increases that follow interim rent reductions.
 - Increase in income because a person with income (from any source) joins the household. DHA will process an interim increase in rent.
 - Increase of < \$200/month in earned income from existing employment DHA will defer the increase to the next regular reexamination.
 - Increase in income from any new source. The DHA will process an interim increase unless the individual is eligible for an earned income disallowance. The disallowance will be granted and rent will not be increased.
 - Increase of > \$200/month in earned income from existing employment DHA will process an interim increase in rent.
 - Increase in unearned income (e.g. COLA adjustment for social security). DHA will defer the increase to the next regular reexamination.
- b) Resident Misrepresentation:
- DHA will process an interim increase in rent if the resident has misrepresented or failed to report facts upon which rent is based, so the rent the resident is paying is less than it should have been. DHA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred, or
 - Based on circumstances the DHA may evict.

B. Effective Date of Adjustments:

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

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

XII. LEASE TERMINATION PROCEDURES

C. General Policy: Lease Termination:

No resident's lease shall be terminated except in compliance for serious or repeated violations of the material terms of the lease or other good cause.,

D. Notice Requirements:

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

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- The resident must be informed of his/her right to request a hearing in accordance with the Grievance Procedure (public housing resident) or an Informal Hearing (project-based voucher resident) and be given the opportunity to make such a reply as he/she may wish.
 - Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or DHA employees; and any drug-related criminal activity.
8. Notices of lease termination shall be in accordance with the lease and the state Landlord-Tenant Law.

E. Record-keeping Requirements:

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

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

XIII. UTILITIES

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

A. Resident-Paid Utilities:

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

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

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

XIV. FLAT RENTS/CEILING RENTS -PUBLIC HOUSING ONLY

A. Intent and Purpose:

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

B. Establishing Ceiling Rents:

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

C. Calculating Ceiling Rents:

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

D. What the Resident Pays:

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

E. Ceiling Rent Adjustments:

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

F. Flat Rents:

Flat rents are set at a minimum of 80% of the published Fair Market Rent after any applicable utility allowance is subtracted. A PHA may request a waiver to use market-based rents or the minimum flat rent as determined by HUD requirements.

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

The family must be offered the opportunity to go on "flat" or "income-based" rent at admission and each annual reexamination and the DHA must maintain documentation of the offer and selection.

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G. Annual Update of Flat Rents:

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

H. Reexamination of Families on Flat Rents:

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

XV. PROCEDURES TO BE USED IN DETERMINING INCOME AND RENT – PUBLIC HOUSING AND PROJECT-BASED VOUCHERS

A. ANNUAL INCOME 24 CFR § 5,609

PHA shall use HUD's definition of Annual Income. Should this definition be revised, HUD's definition, rather than that presented below shall be used.

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

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

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

4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts [See B. 14. below for treatment of delayed or deferred periodic payment of

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social security or supplemental security income benefits.];

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (But see paragraph B. 3. below concerning treatment of lump-sum additions as Family assets.);
6. All welfare assistance payments (Temporary Assistance to Needy Families) received by or on behalf of any family member of any age;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B. 7. below concerning pay for exposure to hostile fire.)

B. **EXCLUDED INCOME** 24 CFR § 5.609

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 worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);
(See paragraphs 14. and 15 below for treatment of delayed or deferred periodic payments of social security, supplemental security, or Veterans Administration income benefits.)
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
 - a. Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, childcare vouchers, etc. for the duration of the training);
 - b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) to allow participation in a specific program;

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- d. Incremental earnings and/or benefits resulting to any family member from participation in qualifying state of local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the PHA;
9. Temporary, non-recurring, or sporadic income (including gifts);
10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply:
 - a. State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500.
 - b. During the 12-month period beginning when the member first qualifies for a disallowance, the PHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.
 - c. Regardless of how long it takes a resident to work for 12 months (to complete the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 24 months.
 - d. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).
14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
15. Deferred payments of VA disability benefits that are received in a lump sum payment;

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16. 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;
17. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
18. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

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

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

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

- the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service-Learning Program, and Special Volunteer Programs;
 - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- c. Payments received under the Alaska Native Claims Settlement Act; **43 USC.1626 (a)**
 - d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes; **25 USC. 459e**
 - e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; **42 USC 8624 (f)**
 - f. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians; **P. L. 94-540, 90 State 2503-04**
 - g. 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; and **25 USC 117b, 1407**
 - h. 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 uu**
- 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.

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- i. 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 Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- j. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- k. Payments received under Maine Indian Claims Settlement Act of 1980; P.L. **96-420,94 Stat. 1785**
- l. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; **42 USC 9858q**
- m. Earned income tax credit refund payments received on or after January 1, 1991 **26 USC 32 (j)**
- n. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- o. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;
- p. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act;
- q. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998;
- r. Exclusion of Tax Rebate from the IRS under Economic Stimulus Act;
- s. Exclusion of income earned under temporary employment with the U.S. Census Bureau; and
- t. Kinship Guardian assistance payments and other guardianship care payments;
- u. Any amount received under the School Lunch Act and the Child Nutrition Act of 1966, including reduced price lunches and food under WIC;
- v. Payments, funds or distributions authorized, established or directed by the Seneca Nation Settlement Act of 1990;
- w. Payments from any deferred Dept. of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts;
- x. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation as provided by the Indian Veterans Housing Opportunity Act of 2010;

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- y. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case *Elouise Cobell et al v Ken Salazar*.
- z. Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107–110, 42 U.S.C. 604(h)(4));
- aa. Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013–30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a)); and
- bb. Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).

C. ANTICIPATING ANNUAL INCOME:

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

D. ADJUSTED INCOME 24 CFR § 5.611

Adjusted Income (the income upon which income-based rent is based) means Annual Income less the following deductions:

All Families Eligible (if Verified):

1. Child Care Expenses — A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member or members released to work; or (b) an amount determined to be reasonable by PHA when the expense is incurred to permit education or to seek employment.
2. Dependent Deduction — An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.
3. Work-related Disability Expenses — a deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

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

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- a. For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
- b. For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

Only elderly and disabled families eligible, (when verified):

4. Medical Expense Deduction — A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed.

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, 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 PHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

- a. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.
 - b. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph 3 (b) above.
5. Elderly/Disabled Household Exemption — An exemption of \$400 per household. See Definitions in the next section.

E. COMPUTING RENT: PUBLIC HOUSING AND PROJECT-BASED VOUCHERS

1. The TTP.

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

2. TTP is the highest of:

- 30% of adjusted monthly income; or
- 10% of monthly income; but never less than the...
- \$50.00 minimum rent;

3. Tenant Rent:

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

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4. Minimum Rent:

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

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

5. Rent Choice: Public Housing Only

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

XVI. COMPLAINTS AND GRIEVANCE PROCEDURES/INFORMAL HEARING PROCEDURES

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

Complaints and grievances at Project-based Voucher properties shall be processed using the HCV Informal Hearing Procedure, which is incorporated into this policy by reference and is to be used for all complaints and appeals. The informal hearing procedure is applicable only to residents at project-based voucher properties. Applicants are entitled to an Informal Review, not an informal hearing.

XVII. SECURITY DEPOSITS: PUBLIC HOUSING AND PROJECT-BASED VOUCHER PROPERTIES

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

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XVIII. PET RULE: PUBLIC HOUSING AND PROJECT-BASED VOUCHER PROPERTIES

A. Pets:

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

B. Assistance Animals:

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

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

XIX. COMMUNITY SERVICE POLICY – PUBLIC HOUSING ONLY

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

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

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

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

B. Exempt: An adult who:

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

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C. Proof of Compliance:

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

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

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

E. Eligible activities:

1. Community Service:

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

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

2. Eligible Self-sufficiency Activities:

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

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

XX. CLOSING OF FILES AND PURGING INACTIVE FILES

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

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

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

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

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XXI. COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS FOR POSTING REQUIRED INFORMATION

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

- Statement of policies governing ACOP this policy also outlines the DHA's Tenant Selection and Assignment Plan.
- Open occupancy notice (applications being accepted and/or not accepted).
- Directory of housing communities including names, address of project offices, and number of units by bedroom size, number of units specifically designed for the elderly, handicapped, and office hours of all DHA facilities.
- Income limits for admission.
- Utility allowances.
- Rate for maintenance charges for work needed due to resident damage or neglect (beyond normal wear and tear)
- Dwelling lease.
- Grievance procedure and hearing officers. (public housing)
- Informal Hearing procedure and hearing officers (project-based voucher properties)
- Fair housing poster.
- "Equal Opportunity in Employment" poster.
- Any current "tenant notices."
- Security deposit charges.

XXII. OTHER POLICIES

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

XXIII. APPENDIX "A" DEFINITIONS

DEFINITIONS OF TERMS USED IN THIS STATEMENT OF POLICIES

1. Accessible dwelling units—when used with respect to the design, construction or alteration of an individual dwelling unit, means that the apartment is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities. An apartment that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in **24 CFR § 8.32 & § 40** (the Uniform Federal Accessibility Standards) is "accessible" within the meaning of this paragraph.

When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the apartment will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.

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2. Accessible Facility - means all or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities. **24 CFR § 8.21**
3. 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 (UFAS). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. **24 CFR § 8.3 & § 40.3.5**
4. Adaptability - Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability. **24CFR § 8.3 & § 40.3.5**
5. Alteration - any change in a facility or its permanent fixtures or equipment. It does not include normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems. **24 CFR § 8.3 & § 8.23 (b)**
6. Applicant – an individual or a family that has applied for admission to housing.
7. Area of Operation - Jurisdiction of PHA as described in state law and PHA’s Articles of Incorporation – the City of Dothan.
8. Assets - 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 or the value of business assets.” See the definition of Net Family Assets, for assets used to compute annual income. **24 CFR § 5.603**
9. Auxiliary Aids - means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. **24 CFR § 8.3**
10. Care attendant - a person that regularly visits the apartment of a PHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by PHA must demonstrate separate residence) and do not live in the public housing apartment. Care attendants have no rights of tenancy.
11. Citizen – Citizen (by birth or naturalization) or national of the United States. **24CFR § 5.504**
12. Co-head of household – One of two persons held responsible and accountable for the family.
13. Community Service Requirements – The performance of voluntary work or duties that benefit the public and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities. See *PHA Policy on Community Service*.
14. Covered Families for Welfare Benefits – Families who receive welfare assistance or other public assistance benefits (welfare benefits) from a state or other public agency (welfare agency) under a program for which federal, state or local law requires that a member of the family participate in an economic self-sufficiency program as a condition for such assistance.
15. Covered Person – For the purposes of lease enforcement, covered person means a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control. **24 CFR § 5.A**

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16. Dating Violence – for purposes of interpreting the Violence Against Women Act, Violence committed by a person:
 - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
17. Dependent - A member of the household, other than head, spouse, sole member, foster child, or Live-in Aide, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student. **24 CFR § 5.603**
18. Designated Family - means the category of family for whom PHA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families, as at Roseland Gardens) in accordance with the 1992 Housing Act. **PL 96-120**
19. Designated housing (or designated project) - a project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with **PL 96-106**.
20. Development – The whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots that are covered by a single contract for federal financial assistance or are treated as a whole for processing or subsidy determination purposes, whether or not located on a common site. **24 CFR § 5.603**
21. Disability Assistance Expenses – Reasonable expenses that are anticipated during the period for which annual income is computed for attendant care or auxiliary apparatus for a disabled family member that are incurred to permit an adult family member (including the person with disability) to be employed, provided that the expenses are not paid to a family member, reimbursed by an outside source. The amount of the deduction is the dollar value of care or apparatus expenses that exceed 3 percent of Annual Income, but never more than the amount earned by all adult family members who are working.
22. Disabled Family - A family whose head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. **24 CFR § 5.403**
23. Displaced Person – A person who is displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally recognized pursuant to federal disaster relief laws **24 CFR § 5.403(b)** For purposes of redevelopment activities, a family may also be displaced as defined in the Uniform Relocation Act. Such families have been displaced if they have been required to permanently move from real property for the rehabilitation or demolition of such property. These families may be entitled to specified benefits under the Uniform Relocation Act. **49 CFR § 24.2**
24. Divestiture Income - Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets **24 CFR § 5.603** in this section.)

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25. Domestic Violence: for purposes of interpreting the Violence Against Women Act, includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who cohabits with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
26. Drug-Related Criminal Activity – The illegal manufacture, sale, distribution, use or possession of a controlled substance with intent to manufacture, sell, distribute, or use the drug. **24 CFR § 5.A**
27. Economic Self-Sufficiency Program – Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment, counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including substance abuse or mental health treatment) or other work activities. **24 CFR § 5.603**
28. Elderly Family - A family whose head or spouse (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. **24 CFR § 5.403**
29. Elderly Person - A person who is at least 62 years of age. **42 USC 1437a(b)(3)**
30. Eligible Immigration Status – For a non-citizen, verification of immigration status eligible for assisted housing consisting of a signed certification and the original copy of an acceptable USBCI document. **24 CFR § 5.0508**
31. Emancipated Minor – A person under age 18 who does not live or intend to live with his/her parents, and who has been declared “emancipated” by a court of competent jurisdiction or who is legally married. An emancipated minor is eligible to be a head of household and sign a PHA lease.
32. Extremely Low Income Family – A Family whose Annual Income is equal to or less than 30% of Area Median Income, as published by HUD adjusted for family size.
33. Family - Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or other operation of law who will live together in PHA housing; **OR** two or more persons who are not so related, but are or will be regularly living together, can verify shared income or resources who will live together in PHA housing.

The term family also includes, as defined herein: Elderly family, Near elderly family, disabled family, displaced person, single person, the remaining member of a tenant family, 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 §§ 5 and 960**

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Live-in Aides may also be considered part of the applicant family's household. However, live-in aides are not family members and have no rights as "remaining family members".

Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. These individuals are household members but are not family members and have no rights as "remaining family members".

For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.

34. Foster Adult – An adult (usually a person with disabilities) who is placed in someone's home by a governmental agency so the family can help with his/her care. Foster adults may be members of PHA households, but they have no rights as remaining family members. The income received by the family for the care of a Foster Adult is excluded from Annual Income.
35. 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. **24 CFR 5.603**
36. Guest – For the purposes of resident selection and lease enforcement, a guest is a person temporarily staying in the unit with the consent of the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. **24 CFR § 5.A**
37. Head of the Household - Head of the household means the family member (identified by the family) who is held responsible and accountable for the family.
38. Immediate Family Member – for purposes of interpreting the Violence Against Women Act, a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.
39. Imputed Welfare Income – The amount of Annual Income by which a resident's welfare grant has been reduced because of welfare fraud or failure to comply with economic self-sufficiency requirements that is, nonetheless, included in Annual Income for determining rent. **24 CFR § 5.615(b)**
40. Individual with Disabilities, Section 504 definition **24 CFR § 8.3**

Section 504 definitions of Individual with Handicaps and Qualified Individual with disabilities are not the definitions used to determine program eligibility. Instead, use the definition of "Person with Disabilities" as defined later in this section. Note: The Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term "individual with a disability". Individual with disabilities means any person who has:

- a. A physical or mental impairment that:
 - substantially limits one or more major life activities;
 - has a record of such an impairment; or

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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:

“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 misclassified 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; or

Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or

Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

- d. The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism because these are not disabilities. These characteristics do not disqualify an otherwise disabled applicant/resident from being covered. The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing designated for people with disabilities or to receive a disability-related income deduction a person must meet the program definition of “Person with Disabilities” found in this section.

- 41. Kinship care - an arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National

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Association for Public Interest Law) The primary caregiver must be able to document Kinship care. This is usually accomplished through school or medical records.

42. Live-in Aide - A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who: (a) is determined by PHA to be essential to the care and well-being of the person(s); (b) is not obligated to support the family member; and (c) would not be living in the apartment except to provide the necessary supportive services **24 CFR 5.403**

43. Local Preferences:

There are 5 local preferences in effect. An applicant will qualify for a preference if he/she qualifies in one or more of the following categories (defined Chapter XII, Definition of Terms):

- a. Vulnerable homeless persons: For admission to properties with supportive services, a preference shall be granted to vulnerable homeless individuals and families as identified by an organization that serves homeless people. Additionally, persons with disabilities from other PHA properties who can remain as residents with the benefit of supportive services will be given a preference to transfer to such property.
- b. Formerly homeless families at Pebbles Park: Homeless families housed at Pebbles Park whose situations have been sufficiently stabilized to qualify for admission to public housing will be given an admission preference.
- c. Disaster Preference: Applicants displaced by a Federally declared disaster, or a disaster to a PHA-assisted unit will qualify for this preference if they apply within 90 days from the date the disaster is declared (and the waiting list is open at that time). They will be admitted in the following order:
 - Existing public housing residents and HCV program participants
 - Applicants who were not previously living in assisted housing but who meet all other application criteria.
- d. Working Families: Applies to up to one half of any year's admissions at non-elderly developments only. (Families whose sole adult members are elderly individuals or persons with disabilities at these properties will automatically be awarded this preference). A family will qualify for this preference if they have at least one adult member who is employed at least 30 hours per week in the 6 months prior to admission.

Any family that is admitted because they qualify for this preference and, in the 12 months following admission, voluntarily leaves employment shall be considered to have committed program fraud. Such a family's lease will be terminated.

If there are insufficient working families to fill up to one half of the year's admissions, units will not be held vacant – non-preference waiting list families will be admitted.

- e. Mixed population building preference¹

In buildings designed for occupancy by Elderly and Disabled families, applications from single persons who qualify under the definitions of Elderly Family, Disabled Family and

¹ This preference shall not apply to units in General Occupancy properties.

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Displaced Person will be ranked higher than those of single persons who are not elderly, disabled or displaced.

44. Lower-Income Household - A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjusted for smaller family size. **42 USC 1437a(b)**
45. Medical Expense Allowance - For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expense not compensated for or covered by insurance in excess of 3% of Annual Income. **24 CFR § 5.603**
46. 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.) Some minors are permitted to execute contracts, provided a court declares them “emancipated”.
47. Mixed Family – a family with both citizen or eligible immigrant members and members that are neither citizens nor eligible immigrants. Such a family will be charged a pro-rated rent based upon the percentage of family members who are ineligible immigrants. **24 CFR § 5.504**
48. Mixed Population Project - means a public housing project for elderly and disabled families. The PHA is not required to designate this type of project.
49. Multifamily housing project - For purposes of Section 504, means a project containing five or more dwelling units. **24 CFR § 8.3**
50. National – A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, or birth in a foreign country to a parent who is a U.S. citizen. **24 CFR § 5.504**
51. Near-elderly family - means a family whose head, spouse, or sole member is a near-elderly person who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. **24 CFR § 5.403**
52. Near-elderly person - means a person who is at least 50 years of age but less than age 62, who may be a person with a disability **42 USC 1437a(b)(3)**
53. Net Family Assets - The net cash value, after deducting reasonable costs that would be incurred in disposing of **24 CFR § 5.603**
 - a. Real property (land, houses, mobile homes)
 - b. Savings (CDs, IRA, 401(k) or KEOGH accounts, checking and savings accounts, precious metals)
 - c. Cash value of whole life insurance policies
 - d. Stocks and bonds (mutual funds, corporate bonds, savings bonds)
 - e. Other forms of capital investments

Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are

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brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity.

Net Family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms

54. Other Person Under the Resident's Control - for the purposes of resident selection and lease enforcement means that the person, although not staying as a guest in the unit is, or was at the time of the activity in question, on the premises because of an invitation from the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes (the pizza delivery guy) is not "under the resident's control". **24CFR § 5.**
55. Person with disabilities² **42 USC 1437a(b)(3)** means a person³ who —
- Has a disability as defined in Section 223 of the Social Security Act **42 USC 423**; or,
 - Has a physical or mental impairment that:
 - Is expected to be of long continued and indefinite duration;
 - Substantially impedes his/her ability to live independently; and,
 - Is of such nature that such disability could be improved by more suitable housing conditions; or,
 - Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act **42 USC 6001 (5)**.
- This is the definition that is used for eligibility and granting deductions for rent.
56. Portion of Development - includes, one or more buildings in a multi-building project; one or more floors of a development or developments; a certain number of dwelling units in a development or developments. **24 CFR § 945.105**
57. Refusal of Housing – An applicant's choice not to accept a PHA offer of housing without good cause.
58. Rejection for Housing – PHA's determination not to accept an applicant either because of ineligibility or failing applicant screening.
59. Qualified Individual with Disabilities, Section 504 - means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or

² NOTE: this is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission. **24 CFR 8.4 (c) (2)**

³ A person with disabilities may be a child

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activity without modifications in the program or activity that the PHA can demonstrate would result in a fundamental alteration in its nature.

- a. Essential eligibility requirements include: ...stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the PHA.
 - b. For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety in the absence of necessary supportive services may be "qualified" for occupancy in a project where such supportive services are provided by the PHA as a part of the assisted program. The person may not be 'qualified' for a project lacking such services. **24 CFR § 8.3**
60. Service Provider - a person or organization qualified and experienced in the provision of supportive services, that is in compliance with applicable licensing requirements imposed by state or local law for the type of service to be provided. The service provider may be either a for-profit or a non-profit entity.
61. Single Person - A person who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.
62. Spouse - Spouse means the husband or wife of the head of the household.
63. Stalking – for purposes of interpreting the Violence Against Women Act, to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or to place under surveillance with the intent to kill, injure, harass or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.
64. Tenant Rent - The amount payable monthly by the Family as rent to PHA. If all utilities (except telephone) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. If some or all utilities (except telephone) and other essential housing services are not supplied by the PHA the cost thereof is not included in the amount paid as rent, and Tenant Rent equals Total Tenant Payment less the Utility Allowance **24 CFR § 5.6**.
65. Total Tenant Payment (TTP) - The TTP is calculated using the following formula:
The greater of 30% of the monthly Adjusted Income (as defined in these policies) or 10% of the monthly Annual Income (as defined in these policies), but never less than the Minimum Rent. If the Resident pays utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP. **24 CFR § 5.6** See definition for Tenant Rent
66. Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to ensure that physically disabled persons will have ready access to and use of such structures. The standards are set forth in Appendix A to 24 CFR Part 40. See cross reference to UFAS in 504 regulations, **24 CFR § 8.32 (a)**.

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67. Utilities - Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility **24 CFR § 965.473**
68. Utility Allowance - At properties with tenant-paid utilities, this is a dollar amount established in accordance with HUD regulations (24 CFR § 965) for utilities paid directly to the utility supplier by residents. It is adequate to include reasonable consumption for major equipment such as heat, water heating and appliances, but does not include air conditioning in family developments. The amount of the utility allowance is subtracted from each resident's Total Tenant Payment to determine Tenant Rent.
69. Utility Reimbursement – At properties with tenant-paid utilities, amounts paid to families or utility providers when the families' Total Tenant Payment is less than the Utility Allowance for tenant-paid utilities.
- Families paying Flat rent do not receive Utility Allowances and, consequently, will never qualify for utility reimbursements.
70. Very Low-Income Family – A very low-income family has an Annual Income less than 50 percent of the median Annual Income for the area, adjusted for family size, as determined by HUD.
71. Visitor – A non-resident staying overnight in a DHA unit for 3 days or less or for a longer visit who has registered with the Manager and has permission to stay overnight up to 14 days in a 12 month period.
72. Welfare Assistance– Welfare or other payments to families or individuals based on need, that are made under programs, separately or jointly, by federal, state or local governments.
73. Work Activities – As used in the HUD definitions at **24 CFR § 5.603** the term work activities means:
- a. Unsubsidized employment;
 - b. Subsidized private sector employment;
 - c. Subsidized public sector employment;
 - d. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - e. On-the-job training;
 - f. Job search and job readiness programs;
 - g. Community service programs; Vocational educational training (< 12 months)
 - h. Job skills training directly related to employment;
 - i. Education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;
 - j. Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence;
 - k. The provision of child care services to an individual who is participating in a community service program.