

STATEMENT OF POLICIES

**GOVERNING
ADMISSION TO AND CONTINUED OCCUPANCY OF
HUD-AIDED LOW-INCOME HOUSING DEVELOPMENTS**

**OPERATED BY
GAINESVILLE HOUSING AUTHORITY**

**WITH THE ASSISTANCE OF
THE UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

OCTOBER 2006

AMENDED AND RESTATED REVISIONS DRAFT MARCH, 2012

ADOPTED ON MARCH 21, 2012

**ADOPTED: March 21, 2012
RESOLUTION NO. 574**

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SECTION I *DEFINITIONS*

**SECTION I
DEFINITION OF TERMS**

1. **ADJUSTED INCOME.** Adjusted income is annual income of the members of the family residing or intending to reside in the dwelling unit after making the following deductions.

\$480 for each dependent;

\$400 for an elderly family; or disabled family;

The sum of the following, to the extent the sum exceeds three percent of annual income.

- (1) Unreimbursed medical expenses of any elderly family or disabled family; (except that where all or part of the cost for prescription drugs is covered by the Medicare prescription drug discount or transitional assistance, neither the drug discount nor the transitional assistance may be considered a reimbursement for the purpose of calculating the medical expense deduction), and
- (2) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and

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

2. **ANNUAL INCOME:** Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets for the 12-month period following the effective date of the initial determination or reexamination of income, exclusive of certain types of income as provided in Section 14 of this document. Annual income includes, but is not limited to:

The full amount (before any payroll deduction) of wages and salaries, including compensation for overtime and other compensation for personal services (such as commissions, fees, tips, and bonuses);

Net Income from Operation of a Business or Profession

- (1) Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income.
- (2) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations.
- (3) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by family;

Interest, Dividends and Net Income of any Kind from Real or Personal Property

- (4) Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income.
- (5) An allowance for depreciation is permitted only as authorized in Paragraph 15 of this section.
- (6) Any withdrawal of cash or assets from an investment will be included in income except to the extent the withdrawal is reimbursement of cash or assets invested by the family.

- (7) Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

The full amount of periodic payments received from social security annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment except for supplemental security income (SSI) and social security benefits (*see Section I, Paragraph 22r*).

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay; (*see Section I, Paragraph 22c.*)

Periodic and determinable allowances, such as alimony and child support payments, regular contributions or gifts received from persons not residing in the dwelling;

All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other persons whose dependents are residing in the unit. (Exception, the special pay to a family member in the Armed Forces who is exposed to hostile fire shall be excluded);

NOTE: If it is not feasible to anticipate level of income over a 12-month period, the income for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

- h. Imputed welfare income as provided to the Authority by the welfare agency. The amount of imputed annual income will be offset by income from other sources received by the family that starts after the sanction is imposed.
3. CHILD: A member of the family, other than the family head or a spouse, who is under 18 years of age.
 4. CHILD CARE EXPENSES (REASONABLE): Reasonable child care expenses are the amounts anticipated to be paid by the family for care of children during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable and necessary charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.
 5. CITIZEN: A citizen or national of the United States.
 6. COMMUNITY SERVICE: The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.
 7. COVERED FAMILY: Families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.
 8. COVERED PERSON: A resident, any member of the resident's household, a guest or another person under the resident's control.
 9. CURRENTLY ENGAGING IN ILLEGAL DRUG USE: Illegal drug use occurred recently enough to justify a reasonable belief that continuing illegal drug use by a household member is a real and ongoing problem.
 10. DEPENDENT: A member of the family household (excluding foster children) other than family head or spouse, who is under 18 years of age or is a disabled or handicapped person, or is a full-time student. The Head of Household must have permanent, legal and irrevocable custody of the minor in order for the child (ren) to be considered a dependent. In cases of joint custody or shared physical custody the child (ren) must reside in the household a minimum of 80% of the time.
 11. DISABLED FAMILY: A family whose head, spouse, or sole member is a person with disabilities. It may

include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aids.

12. DISALLOWANCE: An exclusion from annual income.
13. DRUG: A controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).
14. DRUG ABUSE TREATMENT FACILITY: An entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility or an entity other than a general medical care facility.
15. DRUG-RELATED CRIMINAL ACTIVITY: The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
16. 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 a substance abuse or mental health treatment program), or other work activities.
17. ELDERLY FAMILY: A family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aids.
18. ELIGIBLE FAMILIES: Low-income families who are eligible for admission to the public housing program.
19. ENTERPRISE INCOME VERIFICATION SYSTEM (EIV): A HUD-provided Internet-based wage and benefit tool that allows PHAs to validate the accuracy of tenant-reported income from an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.
20. EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS: The documents which must be submitted to evidence citizenship or eligible immigration status.
21. EXCLUSIONS FROM INCOME:

Income from employment of children (including foster children) under the age of 18 years;

Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family who are unable to live alone);

Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal property losses (*see Section I, Paragraph 2e*).

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

Income of a live-in aide, as defined in this Section I.

The full amount of student financial assistance paid directly to the student or to the educational institution, except for athletic scholarships that include assistance for housing cost. The housing cost portion of the scholarship is included as income.

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

Amounts received under training programs funded by HUD;

Amounts received by a disabled person that are disregarded for a limited time for purposes of

Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or

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

A resident service stipend in a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the Public Housing Agency (PHA), on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board (where allowed under State law). No resident may receive more than one such stipend during the same period of time;

Compensation from state or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the PHA;

Temporary, nonrecurring or sporadic income (including gifts); or

For all initial determinations and reexaminations of income carried out on or after April 23, 1993, reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi Era;

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

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

Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;

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;

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; or

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 U.S. Housing Act of 1937. A notice will be published in the Federal Register and distributed to PHAs identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

- (1) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (U.S.C. 2011-2029);
- (2) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044 (g), 5058);
- (3) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626 (a));
- (4) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- (5) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8621-8629);
- (6) Payments received from the Job Training Partnership Act (29 U.S.C. 1552 (b));

- (7) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Public L. 94-540, 90 State, 2503-2504);
- (8) The first \$2,000 of per capita share received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior (25 U.S.C. 117);
- (9) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an education institution (See 24 CFR 215.1(c)(6), 236.3(c)(6), and 813.106(c)(6), and 913.106(c)(6));
- (10) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 (f));
- (11) Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- (12) Payments received under the Maine Indian Claims Settlement Act of 1989 (Pub. L. 96-420, 94 Stat. 1785);
- (13) The value of any reasonable child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990. (42 U.S.C. 9858q); and,
- (14) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)).
- (15) Income due to the following conditions is excluded:
 - (a) annual income increases as a result of the employment of a family member who was unemployed for one or more years previous to employment;
 - (b) annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program,
 - (c) income increases as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) 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.

This income exclusion is limited to a lifetime 48-month period. It only applies for a maximum of twelve months during the 48-month period starting from the initial exclusion as follows:

- (a) Initial twelve month exclusion - During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.
- (b) Second twelve-month exclusion and phase-in. During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

Under the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108-173),

any assistance or benefit received from the Medicare Prescription Discount Card or the Transitional Assistance Program must be excluded from annual income for the purpose of calculating rent or assistance.

22. **EXTREMELY LOW-INCOME FAMILY:** A family whose income does not exceed 30 percent of the area median income as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

23. **FAMILY:**

Two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of laws. (Includes an adult and foster child or a person living alone during the temporary absence of a family member who later will return and live regularly in the unit of the family.)

Single pregnant women with no other family members. However, pregnancy must be verified when it is the sole basis for determining eligibility.

An elderly family as defined in this section.

The remaining member of a tenant family (for continued occupancy only), provided legal age for contractual purposes has been attained and other Occupancy Standards met.

A displaced person.

Any other single person who is not 62 years old or older, disabled, handicapped, displaced, or the remaining member of a tenant family.

24. **FULL-TIME STUDENT:** A person who is attending school or vocational training on a full-time basis. This definition includes "vocational training" which does not require that the training be a certificate program.

25. **HANDICAPPED ASSISTANCE EXPENSES:** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a handicapped or disabled family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

26. **HANDICAPPED PERSON:** Any person having a physical or mental impairment which (1) is expected to be of long, continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such nature that such ability could be improved by more suitable housing conditions. NOTE: All three conditions must be met. (*See Section II, Paragraph 5.b.(6)*).

27. **HATE CRIMES:** Actual or threatened physical violence or intimidation directed against a person or his/her property and is based on the person's race, color, religion, sex, national origin, handicap, or familial status.

28. **HEAD OF HOUSEHOLD.** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. The head of household must be of legal age or an emancipated minor under state law.

29. **HOUSEHOLD:** The family and any PHA-approved live-in aide.

30. **IMPUTED WELFARE INCOME:** The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income.

31. **INTERNAL REVENUE SERVICE LETTER 1722:** An IRS Letter 1722, also know as a tax account listing, provides information including: applicants'/tenants' filing status, exemptions claimed, adjusted gross income, taxable income, and taxes paid.

32. **LIVE-IN AIDE:** A person who resides with an elderly, disabled, handicapped person or persons and who:

Is determined by the PHA to be essential to the care and well-being of the person(s),

Is not obligated for support of the person(s) and;

Would not be living in the unit except to provide necessary supportive services. *(See this Section. for treatment of a live-in aide's income.)*

33. **LOW INCOME FAMILY:** A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its findings that such variations are necessary because of unusually high or low family incomes.
34. **MEDICAL EXPENSES:** Those medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.
35. **MIXED FAMILY:** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
36. **MIXED POPULATION DEVELOPMENT:** A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character).
37. **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.
38. **NEAR ELDERLY:** A family whose head or spouse (or sole member) is at least 50 years of age but below the age of 62 years.
39. **NET FAMILY ASSETS:** Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investments, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust shall be counted when determining annual income under Section 913.106). In determining net family assets, PHAs shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition of trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received there for. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.
40. **NONCITIZEN:** A person who is neither a citizen nor national of the United States.
41. **OVER-INCOME FAMILIES:** A family whose annual income exceeds the limit for a low-income family at the time of initial occupancy.
42. **PERSON WITH DISABILITIES:**

Means a person who:

- (1) Has a disability, as defined in 42 U.S.C.423;
- (2) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - (a) Is expected to be of long-continued and indefinite duration;
 - (b) Substantially impedes his or her ability to live independently, and
 - (c) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- (3) Has a developmental disability as defined in 42 U.S.C. 6001.

Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

Means "handicapped person" as defined in this document, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

43. PREMISES: The building or complex in which the public housing dwelling unit is located, including common areas and grounds.
44. PREVIOUSLY UNEMPLOYED: A person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage prevailing in the jurisdiction.
45. PUBLIC HOUSING AGENCY HUD has removed the acronym "HA". The currently recognized terminology to refer to a housing agency is "Public Housing Agency" or "PHA". Reference is also made herein to "Housing Authority" which refers to the specific PHA administering this policy.
46. RESIDENT SERVICE STIPENDS: A modest amount (i.e. \$200 or less per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the assisted housing development.
47. RESPONSIBLE ENTITY:

For Public Housing, Section 8, tenant-based assistance, project-based certificate assistance, and the moderate rehabilitation program: the PHA administering the program under an ACC with HUD.

For all other Section 8 programs: the Section 8 Owner.

48. SPECIFIED WELFARE BENEFIT REDUCTION: A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency because of fraud by a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

at expiration of a lifetime or other time limit on the payment of welfare benefits;

because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

because a family member has not complied with other welfare agency requirements.

49. SPOUSE: The husband or wife of the head of household.
50. STATE WAGE INFORMATION COLLECTION AGENCIES (SWICAS): often a part of a state's Department of Labor, SWICAs can disclose wage information, and whether an individual is receiving, has received, or has made application for, unemployment compensation. In some states, information on disabilities-including the amount of any disability compensation being received or to be received can also be disclosed.
51. TENANT ASSESSMENT SUBSYSTEM (TASS): A HUD-provided Internet-based benefit tool, TASS matches Social Security and Supplemental Security Income to comparable tenant data from PIC and TRACS databases.
52. TENANT RENT: The amount payable monthly by the family as rent to the unit owner.
53. TOTAL TENANT PAYMENT (TTP). The total tenant payment for all families shall be the highest of the following amounts rounded to the nearest dollar;

30 percent of the family's monthly adjusted income;

10 percent of the family's monthly income;

If the family is receiving payments for welfare assistance from a public agency and a part of those payments adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated.

The minimum rent, as defined in this document.

Determining TTP if family's welfare assistance is ratably reduced. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under paragraph c above is the amount resulting from one application of the percentage.

NOTE: The amount calculated under this section for Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges as posted.

54. UNREIMBURSED MEDICAL EXPENSES: (formerly Handicapped Assistance Expense): Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a handicapped or disabled family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.
55. ENTERPRISE INCOME VERIFICATION (EIV): A report generated utilizing the HUD EIV system, to compare tenant information to HUD-compiled information before or during a tenant's re-examination. This provides information about those households where the actual income level fails to match that which was projected during the annual recertification process.
56. UTILITY ALLOWANCE: An amount equal to the estimated usage of utilities as approved by the PHA, of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment will be provided to the tenant.
57. UTILITY REIMBURSEMENT: The amount, if any, by which the tenant-paid utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. Any payment under this section may be made payable jointly either to the tenant or by the Authority directly to the utility company on behalf of the tenant. Where the Authority makes the payment directly to the utility supplier, the Authority will notify the tenant of the amount paid.
58. VERY LOW-INCOME FAMILY: A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its findings that such variations are necessary because of unusually high or low family incomes.
59. VIOLENT CRIMINAL ACTIVITY: Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.
60. WELFARE ASSISTANCE: Income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance does not include:

Nonrecurrent, short-term benefits that:

- (1) Are designed to deal with a specific crisis situation or episode of need,
- (2) Are not intended to meet recurrent or ongoing needs; and
- (3) Will not extend beyond four months.

Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

Supportive services such as child care and transportation provided to families who are employed;

Refundable earned income tax credits;

Contributions to, and distributions from, Individual Development Accounts under TANF;

Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support;

Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to Section 404(k) of the Social Security Act, to an individual who is not otherwise receiving assistance;

Amounts solely directed to meeting housing expenses;

Amounts for health care;

Food stamps and emergency rental and utilities assistance; and;

SSI, SSDI, or Social Security.

61. WORK NUMBER, THE: An automated service that provides controlled access to a national database of almost 40 million employment and income records. The Work Number can provide quick and accurate employment and wage information.
62. WORKING FAMILY: A family whose head or spouse has been regularly employed full-time for no less than 1560 hours during the previous nine month period. Regularly employed means full-time or part-time employment which requires the employee to work on a regular basis, which is not considered temporary, nonrecurring or sporadic. A working family also includes a family member whose head, spouse, or sole member is a 62 years or older or is receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work.

SECTION II *ADMISSIONS POLICY*

SECTION II ADMISSION POLICY

1. FAIR HOUSING

It is the policy of the Housing Authority to fully comply with all federal, state and local nondiscrimination laws, the Americans with Disabilities Act, and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Housing Authority's programs.

The Housing Authority will assist any family that believes they have suffered illegal discrimination by providing copies of the appropriate housing discrimination forms. The Housing Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

2. REASONABLE ACCOMMODATION

This policy clarifies how people can request accommodations and the guidelines the Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations. Examples of reasonable accommodations would include:

- (1) Offering a unit that has been modified for use by someone in a wheelchair to an applicant that needs this type unit or making minor modifications to other units to make them accessible;
- (2) Installing strobe type flashing light smoke detectors in apartments for a family with a hearing impaired member;
- (3) Permitting a family to have a support animal necessary to assist a family member with a disability;
- (4) Making large type documents or a reader available to a vision-impaired applicant or a sign language interpreter available during the application process;
- (5) Permitting an outside agency to assist an applicant with a disability to meet our applicant screening criteria and/or assist with other responsibilities required by our lease;
- (6) Allowing a resident to make a physical change to their apartment at their own expense if it does not violate codes or affect the structural integrity of the unit.

An applicant family that has a member with a disability must still be able to meet essential obligations of tenancy which include being able to: 1) pay rent, 2) care for their apartment, 3) report required information to the PHA, 4) avoid disturbing their neighbors, etc. There is no requirement that they be able to do these things without assistance from a family member or an outside agency.

If an applicant, resident or a member of the household has a disability, they may request a reasonable accommodation at the application process or after admission. The PHA will provide a form to use to request a reasonable accommodation and assist with completing the form if requested. The PHA may require documentation that the requested accommodation is needed due to the disability. The PHA will not inquire as to the nature of the disability.

Anyone requesting an application will be advised of the PHA's Reasonable Accommodation Policy. A copy will be provided upon request.

All decisions granting or denying requests for reasonable accommodations will be in writing.

Generally the individual knows best what it is they need; however, the Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, the Housing Authority retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the Housing Authority.

3. SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS

The Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than English in order to assist non-English speaking families. The Gainesville Housing Authority will also endeavor to provide for limited translated documents as time and financial resources permit, however, English language documents will be the official document for the Gainesville Housing Authority.

4. RECEIPT OF APPLICATION

Prior to the admission of each family as a resident, a written application signed by a responsible member of the family shall be obtained. The application shall contain all information necessary for the PHA to determine whether the family meets eligibility requirements.

Each application for admission shall indicate:

- (1) the date and time of receipt;
- (2) the determination of the PHA as to eligibility or ineligibility of the applicant and where eligible, the unit size for which eligible;
- (3) the date of the assignment to the dwelling unit and the identification of the unit to which assigned; and,
- (4) where applicable, the applicant's rejection of a dwelling unit and identification of the unit offered.

The PHA's record with respect to inquiries from families prior to commencement of formal application taking, or during a period of temporary suspension of formal application taking, shall indicate, as to each family, the date of inquiry, the name and address, and whatever further information is obtained, determination made or action taken by the PHA with respect to such family. If a registration is received prior to the receipt of an application, the date and time of the current application shall determine the position on the waiting list. Registrations are only for the purpose of notification of the opening of waiting lists.

5. VERIFICATION POLICY

It is imperative to verify all claims made by each applicant/resident so that proper determinations can be made of eligibility, rent and unit size. Complete and accurate documentation of all data must be maintained at all times. The current status of all information, including any priority selection, must be verified immediately prior to admission.

The documentation required, but not limited to, includes:

- (1) Authoritative written information from all sources concerning income, exclusions, and deductions. Income shall be verified by the source from which it is derived; expenses shall be verified by the recipients of such payments.

- (2) Reproductions or carbon copies of documents which substantiate the applicant's/resident's claims or a brief summary of pertinent contents. The summaries shall be signed and dated by the staff member who examined them.

- (3) Notarized financial statements showing all income, itemized expenses (costs of business expansion, and amortization of capital indebtedness are not allowed) and net income of every self-employed person.
- (4) Written records of all data obtained by telephone, personal interview, home visits or other means, showing source of information.
- (5) Birth certificates, driver's license, etc., to support claims of age in the absence of other supportive data.
- (6) Social Security disability award letters, pensions and Social Security certification of total and permanent disability or doctor's certification that all conditions of disability or handicap, as prescribed by the Social Security definitions, are present to support any claim of disability or handicap.
- (7) Bank statements, bank books, stock certificates and copies of tax returns on real estate, and registers of bonds to support any claims of income.
- (8) Written records of all rent determinations and the methods used in making such determinations.
- (9) Verification of any preference will be made prior to any admission for which this priority was considered.
- (10) Verification of Social Security numbers for all family members age six years and older.
- (11) Verification of citizenship or eligible immigration status in accordance with the Immigration and Naturalization Service procedures.
- (12) Verification of enrollment in Families First Program.
- (13) Medicare approved discount drug card bearing the words "Medicare Approved".
- (14) For residents receiving discounted prescription drugs through the Medicare Prescription Discount Card or transitional assistance, copies of receipts or statements from a pharmacy indicating the pre-discount and after-discount cost of each prescription. Where information cannot be obtained from either the resident or the pharmacy to confirm the cost savings, the housing authority will use an imputed value of \$48.17 per prescription as a substitute for the actual discount price.
- (15) For full-time college students who are applying for admission as a non-parental/guardian household (college student as head of household), the following additional verification is required:
 - (a) A written and signed certification that the student does or does not anticipate receiving financial support from his/her parent(s) or guardian(s) and the amount of the support to be provided.
 - (b) The college student must provide documentation acceptable to the housing authority that he/she has established a household separate from his/her parent(s) or legal guardian(s) for at least one year prior to applying for admission to public housing.
 - (c) A copy of the college student's tax return for the prior year indicating that the student's parents cannot claim him/her on their tax return.
 - (d) A copy of the parent(s) or guardian(s) tax return or a certified statement from the parent(s) or guardian(s) indicating that the student is not claimed on the parent(s) or guardian(s) income tax return for the most recent filing year.
 - (e) If the college student receives an **athletic** scholarship that includes a specific amount available for housing cost, or, one that allows for a portion of the cost to be used towards housing cost, the student must provide a copy of the financial aid statement from the college or university he/she will be attending that specifically indicates the amount of the scholarship applicable for housing cost.

As a condition of admission to or continued assistance under the program, the PHA shall require the family head and such other family members as the PHA designates, to execute a consent form authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determines to be necessary.

The Enterprise Income Verification Process (EIV): The Housing Authority will provide a copy of this policy to all applicants and to all residents during the re-examination process.

- (16) The Housing Authority will use all available information sources to verify income information provided by the applicant/tenant. These sources may include, but are not limited to, the following:
 - (a) HUD's Enterprise Income Verification System (EIV/EIV). See Section I – Definitions.
 - (b) HUD's Tenant Assessment Subsystem (TASS). See Section I-Definitions.
 - (c) National Credit Bureau Information Credit Reports.
 - (d) Private Sector databases such as The Work Number. See Section I – Definitions.
 - (e) Internal Revenue Service – Letter 1722. See Section I – Definitions.
- (17) The Housing Authority will compare the documents submitted by the applicant/tenant to the information it receives from the income verification sources to determine the accuracy of the information reported by the applicant/tenant. Information that may be verified includes, but is not limited to:
 - (a) Gross wages and salaries.
 - (b) Unemployment compensation.
 - (c) Welfare benefits.
 - (d) Social Security benefits including:
 - 1) Social Security
 - 2) Supplemental Security Income (SSI)
 - (e) Child support.
 - (f) Pensions.
- (18) Utilizing the HUD EIV system, the Housing Authority will generate a report to compare tenant information to HUD-compiled information before or during a family's re-examination. This report, called the Enterprise Income Verification Exceeds Threshold Report, provides information about those households where the actual income level fails to match that which was projected during the annual recertification process.
- (19) When "substantial differences" are identified, the Housing Authority will take appropriate action. When EIV data is available, the Housing Authority will follow HUD's "Guidelines for Projecting Annual Income When EIV Data is Available". These guidelines define a "substantial difference" to be \$200 or more per month.
 - (a) If EIV information for a particular income source differs from the information provided by a family by less than \$200 per month, the following guidelines will apply:
 - 1) If the Enterprise Income Verification (EIV) figure is less than current family-provided information, the Housing Authority will use the family's information to calculate anticipated annual income.
 - 2) If the EIV figure is more than the family's figure, the Housing Authority will use the EIV data to calculate anticipated annual income unless the family provides documentation of a change in circumstances (i.e., change in employment, reduction of hours, etc.) to explain the discrepancy. Upon receipt of acceptable family-provided documentation of a change in circumstances, the Housing Authority will use the family-provided information.
 - (b) If EIV information for a particular income source differs from the information provided by a family by \$200 or more per month, the Housing Authority will follow these guidelines:
 - 1) The Housing Authority will request third party verification from the discrepant income source in accordance with 24 CFR 5.236(b)(3)(i).

- 2) When the Housing Authority cannot readily anticipate income (i.e., in cases of seasonal employment, unstable working hours, or suspected fraud), the Housing Authority will review historical income data for patterns of employment, paid benefits, and/or receipt of other income.
 - 3) The Housing Authority will analyze all EIV, third-party, and family-provided data and attempt to resolve the income discrepancy.
 - 4) The Housing Authority will use the most current verified income data (and historical data, if appropriate) to calculate anticipated annual income.
- (20) The Housing Authority will take the following actions based on whether or not the tenant agrees or disagrees with the identified discrepancy:
- (a) Action to be Taken When Tenant Agrees with Discrepancy: An appointment will be scheduled for the family to meet with the Housing Authority staff to discuss the income discrepancy and will be advised of all available options. The Housing Authority will calculate the total amount that should have been paid had the proper information been received by the Housing Authority. If the tenant agrees with the discrepancy, and retroactive charges assessed do not exceed \$2,400, the current monthly amount of rent will be corrected and the family will be given the opportunity to sign a repayment agreement for the retro charge owed with up to 12 months to repay. Repayment agreements will require the tenant to pay regular monthly installments. Each family will be allowed only one repayment agreement during their tenancy with the Housing Authority. Otherwise, the family's assistance will be terminated. If the amount owed to the Housing Authority exceeds \$2,400, the family's assistance will automatically be terminated. The family will be given an opportunity to contest any adverse findings through the Housing Authority's informal review/hearing process.
 - (b) Action to be Taken When Tenant Disagrees with Discrepancy: If the tenant disagrees with the discrepancy, the burden of proof will be placed on the tenant to show why a discrepancy does not exist. When the discrepancy involves wages, the tenant must contact and resolve the issue with the employer. The tenant will be given a reasonable amount of time, but not to exceed four (4) weeks, to resolve the matter. If the family can provide proof that the discrepancy is in error, the Housing Authority will document the file and no further action will be taken. If the family does not provide proof that the discrepancy is in error and retroactive charges assessed exceed \$2,400, the family's assistance will be terminated with charges added to their move-out balance. If the charges do not exceed \$2,400, the current monthly amount of rent will be corrected and the family will be given the opportunity to sign a repayment agreement allowing for a period of not more than 12 months to repay. Repayment agreements will require the tenant to pay regular monthly installments. Each family will be allowed only one repayment agreement during their tenancy with the Housing Authority. The family will be given an opportunity to contest any adverse findings through the Housing Authority's informal review/hearing process.
- (21) Confidentiality of EIV Data: Due to the sensitive nature of income data, the Housing Authority will restrict access to the information. Safeguards to protect confidentiality of participant income data include the following:
- (a) The Executive Director of the Housing Authority will determine which employees need access to EIV data and the level of access each user needs to the EIV system. Access will be restricted to employees who have a recognized need to know for valid administrative reasons in the operation of the public housing program.
 - (b) User agreements must be signed by all authorized Housing Authority users.
 - (c) Verification documents are kept in the applicant/tenant file, when needed, and destroyed when no longer needed.
 - (d) Tenant files are kept in locking file cabinets in a secure work area, and are locked at the end of each workday.
 - (e) Move-out files are shredded when no longer needed.
 - (f) Training for the staff is provided.

6. ELIGIBILITY FOR ADMISSION

Introduction

- (1) There are five eligibility requirements for admission to public housing:
 - (a) qualifies as a family,
 - (b) has an income within the income limits,
 - (c) meets citizenship/eligible immigrant criteria,
 - (d) provides required documentation including Social Security numbers, and
 - (e) signs consent authorization documents.
- (2) In addition to the eligibility criteria, families must also meet the Housing Authority's screening criteria in order to be admitted to public housing.

Eligibility Criteria

- (3) Family status
 - (a) A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
 - 1) Children temporarily absent from the home due to placement in foster care are considered family members.
 - 2) Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.
 - (b) An elderly family, which is:
 - 1) A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - 2) Two or more persons who are at least 62 years of age living together; or
 - 3) One or more persons who are at least 62 years of age living with one or more live-in aides.
 - (c) A near-elderly family, which is:
 - 1) A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
 - 2) Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
 - 3) One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
 - (d) A disabled family, which is:
 - 1) A family whose head, spouse, or sole member is a person with disabilities;
 - 2) Two or more persons with disabilities living together; or
 - 3) One or more persons with disabilities living with one or more live-in aides.
 - (e) A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.
 - (f) A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.
- (4) Income eligibility
 - (a) To be eligible for admission to PHA developments, the family's annual income must be within the income limits set by HUD which are revised annually and posted for public viewing at the PHA.
 - (b) Income limits apply only at admission and are not applicable for continued occupancy.
 - (c) A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another PHA without meeting the income requirements of the Housing Authority.

- (d) If the Housing Authority acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
- (e) Income limit restrictions do not apply to families transferring within the PHA's public housing program.
- (f) (For housing agencies with fewer than 250 public housing units) If there are no eligible families on the waiting list and the Housing Authority has published a 30-day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.
- (g) Occupancy by Police Officers
 - 1) The PHA may allow police officers who would not otherwise be eligible for public housing, to reside in a public housing dwelling unit.
 - 2) For the purposes of this policy, a police officer is defined as a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, state or local government or by an agency of any of these governments.
 - 3) An officer of an accredited police force of the PHA may qualify.
 - 4) The PHA must include in the PHA annual plan or supporting documents the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents.
- (h) Occupancy by Over-Income Families (Limited to PHAs with 250 units or less)
 - 1) The PHA may rent a unit in a public housing development to an over-income family, in accordance with its annual plan as follows:
 - a) There are no eligible low income families on the PHA waiting list or applying for public housing assistance when the units is leased to an over income family;
 - b) The PHA has publicized availability of the unit for rental to eligible low income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family;
 - c) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit;
 - d) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and
 - e) The PHA gives the over-income family at least thirty days notice to vacate the unit when the unit is needed for rental to an eligible family.
 - (i) Full-time college students who are applying for admission as a non-parental/guardian household (college student as head of household) are not eligible to be admitted to public housing if they receive an **athletic** scholarship that includes more than \$5,000 annually for housing costs.
- (5) Citizenship/Eligibility status
 - (a) To be eligible, at least one member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 and revised in 24 CFR Part 5 "Revised Restrictions on Assistance to Noncitizens"; Final Rule, dated May 12, 1999.
 - (b) If a family member knowingly permits an ineligible individual to reside in an assisted housing unit, the family member's assistance must be "terminated" for a period of not less than 24 months.
- (6) Social security number documentation

To be eligible, all family members 6 years of age and older must provide a social security number, certify that they have applied for one, or are not required to have one.

- (7) Signing consent forms
- (a) In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
 - (b) The consent form must contain, at a minimum, the following:
 - 1) A provision authorizing HUD or the Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
 - 2) A provision authorizing HUD or the Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for, or level of, assistance;
 - 3) A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility, or level of benefits; and
 - 4) A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

Suitability

- (8) Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Housing Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise, eligible families will be denied admission if they fail to meet the suitability criteria.
- (9) The Housing Authority will consider objective and reasonable aspects of the family's background, including the following:
- (a) History of meeting financial obligations, especially rent;
 - (b) Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
 - (c) History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
 - (d) History of disturbing neighbors or destruction of property;
 - (e) Having committed fraud in connection with any federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom; and
 - (f) History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others, which may be verified by obtaining information from a drug treatment facility.
- (10) The Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority will verify the information provided. Such verification may include, but may not be limited to, the following:
- (a) A credit check of the head, spouse and co-head;
 - (b) A rental history check of all adult family members;
 - (c) A criminal background check on all adult household members, including live-in aides. This check will be made through state or local law enforcement, court records, or through the FBI's National Crime Information Center (NCIC);

- (d) A home visit to provide the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and,
- (e) A check of the state's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

Grounds for Denial

(11) The Housing Authority is not required or obligated to assist applicants who:

- (a) Do not meet any one or more of the eligibility criteria;
- (b) Do not supply information or documentation required by the application process;
- (c) Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- (d) Have a history of not meeting financial obligations, especially rent;
- (e) Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such inability could adversely affect the health, safety, or welfare of other tenants; which includes:
 - 1) The creation of a fire hazard through acts such as the hoarding of rags and paper;
 - 2) severe damage to premises and equipment, if it is established that the family is responsible for the conditions;
 - 3) seriously affecting neighbors by causing infestations, foul odors, depositing garbage improperly; or serious neglect of the premises.
 - 4) In cases where a qualified agency is working with the family to improve its housekeeping and the agency reports that the family shows potential for improvement, decision as to eligibility shall be reached after recommendation by a social advisor. This category does not include families whose housekeeping is found to be superficially unclean or to lack of orderliness where such conditions do not create a problem for the neighbors.
- (f) Have a history of disturbing neighbors or damaging property;
- (g) Currently owes rent or other amounts to any PHA or assisted housing.
- (h) Have committed fraud, bribery or any other corruption in connection with any federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom;
- (i) Have a household member who has ever been evicted from public housing for a serious violation of the lease;
- (j) Have a family household member who has been terminated under the certificate or voucher program;
- (k) Have been involved as offender in rape, indecent exposure, sodomy, carnal abuse and impaired the morals of a minor. Exception is permitted in the case of any individual, regardless of age, who was involved in such offense but evidence from a reliable source shows that the individual may be considered rehabilitated.
- (l) Have not been able to meet the eligibility requirements imposed by state and federal laws and any regulations promulgated thereunder, including the inability to legally enter into binding contracts and other similar restrictions.
- (m) One Strike, You're Out Policy
 - 1) Prohibiting admission of drug criminals.
 - a) The PHA will prohibit admission of a household member to the PHA's public housing program if:
 - i. The PHA determines that any household member is currently engaging in or has engaged in drug-related criminal activity; or
 - ii. The PHA determines that it has reasonable cause to believe that illegal drug use or a pattern of illegal drug use by a household member may adversely affect the health or safety of, or the right to peaceful enjoyment of the premises by other residents.
 - b) The PHA may require the household to submit sufficient evidence, as determined by the PHA, that the members of the household have not engaged

- in drug-related criminal activity during a reasonable period, as determined by the PHA, before admission to the PHA's public housing program.
- c) The PHA will prohibit admission to public housing if any household member has been evicted from federally assisted housing for drug-related criminal activity. This prohibition applies for three years from the date the judicial determination authorizing the eviction. However, the PHA may admit the household if the PHA determines:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
 - ii. That the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
 - d) The PHA will prohibit admission to public housing if any household member has been evicted **from assisted housing within three years** of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
 - e) The PHA will prohibit admission to public housing if any household member was evicted **from assisted housing within five years** of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances act, 21 U.S.C. 802;
 - f) The PHA will **permanently prohibit admission to public housing** if any household member has ever been convicted of **drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing.**
- 2) Prohibiting admission of other criminals.
 - a) The PHA may prohibit admission to public housing, under standards established by the PHA, if the PHA determines that any household member is currently engaging in or has engaged in:
 - i. Violent criminal activity; or
 - ii. Criminal or other activity which may threaten the health or safety of, or the right to peaceful enjoyment of the premises by other residents; or
 - iii. Criminal or other activity which may threaten the health or safety of PHA management staff, or persons performing management functions on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).
 - b) The PHA may require the family to submit sufficient evidence, as determined by the PHA, that the members of the household have not engaged in such criminal activity during a reasonable period, as determined by the PHA, before admission to the PHA's public housing program.
 - c) The PHA will prohibit admission to public housing program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In screening of applicants, the PHA will perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement.
 - 3) Prohibiting admission of alcohol abusers. The PHA will prohibit admission to public housing if the PHA determines that it has reasonable cause to believe that abuse or pattern of abuse of alcohol by a household member may threaten the health or safety of, or right to peaceful enjoyment of the premises by, other public housing residents.
 - 4) Evidence of criminal activity. The PHA may deny admission for criminal activity by a household member if the PHA determines that the household member has engaged in criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

- 5) Criminal records. Before a PHA denies admission to public housing on the basis of a criminal record, the PHA will provide the household member with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.
- 6) Drug use and alcohol abuse
 - a) Consideration of rehabilitation
 - i. In determining whether to deny admission to public housing for illegal drug use or alcohol abuse or a pattern of illegal drug use or alcohol abuse by a household member who is no longer engaging in such use, the PHA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully.
 - b) Conditions for admission
 - i. In determining whether to deny admission to the PHA's public housing program for illegal drug use or alcohol abuse by a household member, the PHA may impose, as a condition of admission to, and continued assistance in public housing for other family members, a requirement that the household member who engaged in or is culpable for the drug use or alcohol abuse may not reside in the unit.
 - c) Submission of evidence
 - i. The PHA may require a household member who has engaged in the illegal use of a drug, or in alcohol abuse that affected the health or safety of, or the right to peaceful enjoyment of the premises by other residents, to submit evidence of current participation in or successful completion of, a supervised drug or alcohol rehabilitation program as a -condition to be allowed to reside in the unit.
- 7) Requirement to deny admission or terminate assistance. The PHA may deny admission to public housing for a reasonable time period determined by the PHA if any household member has been evicted from federally-assisted housing for serious violation of the lease (other than eviction for drug-related criminal activity).
- 8) Authorization by household member for PHA to receive information from a drug abuse treatment facility.
 - a) The PHA may require the family to submit for any household member who is at least 18 years of age, and for each family head or spouse regardless of age a consent form signed by such household member that:
 - i. Requests any drug abuse treatment facility to inform the PHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use;
 - ii. Authorizes the PHA to receive such information from the drug treatment facility, and to utilize such information in determining whether to prohibit admission of the household member to public housing.
 - b) The consent form submitted for a proposed household member will expire automatically after the PHA has made a final decision to either approve or deny the admission of such person.
- 9) PHA request for information from a drug abuse treatment facility
 - a) The PHA may request that a drug abuse treatment facility disclose whether the drug abuse treatment facility has reasonable cause to believe that the proposed household member is currently engaging in the illegal use of a drug.
 - b) The PHA's request to the drug abuse treatment facility will include a copy of the consent form signed by the proposed household member. The drug abuse treatment facility is required to provide the information requested by the PHA.
- 10) Prohibition of discriminatory treatment of applicants.
 - a) The PHA may request information from a drug abuse treatment facility utilizing the following policy:
 - i. The PHA will submit a request to a drug abuse treatment facility only with respect to each proposed household member:

- (i) Whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission.
 - (ii) Whose prior tenancy records indicate that the proposed household member: engaged in the destruction of property; engaged in violent activity against another person; or interfered with the right of peaceful enjoyment of the premises or other residents.
- 11) Records management and confidentiality.
- a) The PHA has established a system of records management that ensures that any information which the PHA receives from the drug abuse treatment facility about a person:
 - i. Is maintained confidentially in accordance with Section 543 of the Public Health Service Act (12 U.S.C. 290dd-2);
 - ii. Is not misused or improperly disseminated; and
 - iii. Is destroyed no later than five business days after the PHA admits the person as a household member under the PHA's public housing program or, if the PHA denies the admission of such person as a household member, in a timely manner after the date on which the statute of limitations for the commencement of a civil action based upon that denial of admissions has expired.

7. ESTABLISHING AND MAINTAINING THE WAITING LIST

Site Based Waiting List:

The Gainesville Housing Authority maintains the following site-based waiting lists:

Melrose Community (Melrose and Wills Street)

Green Hunter Homes (Atlanta Street)

Harrison Square

Scattered Sites 1 (Jesse Jewel, Rainey, Tower Heights)

Scattered Sites 2 (Summit, Banks, Johnson, Pine, MLK, Collins, Athens and Mill St.)

Applicants may apply to be on one or all of the above waiting lists.

Opening and Closing Waiting Lists

- (1) For any unit size or type, if the PHA's waiting lists have sufficient applications to fill anticipated vacancies for the coming 12 months, the PHA may elect to: (1) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling.
- (2) 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 PHA to house applicants in 12 to 18 months. Decisions to close waiting lists, restrict intake, or open waiting lists will be publicly announced.
- (3) When the waiting list is closed, the PHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

Updating the Waiting List

- (4) At a minimum of once each year, the PHA will update each waiting list by contacting all applicants in writing. If no response is received after one verbal and one written attempt, the PHA will withdraw the name of an applicant from the waiting list in accordance with the section entitled "Removing Applicant Names from the Waiting List".

- (5) At the time of initial intake, the PHA will advise families that they must notify the PHA when their circumstances, mailing address or phone numbers change.

Change in Preference Status While on the Waiting List

- (6) Situations of some families who did not qualify for a local or ranking preference when they applied may change so they are qualified for a preference. The family should contact the PHA so their status may be recertified or re-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.
- (7) If the PHA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with the 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.

Removing Applicant Names from the Waiting List

- (8) To ensure vacant units are filled in a timely manner, the PHA needs a waiting list that is accurate. While each applicant must keep the PHA 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:
 - (a) The applicant receives and accepts an offer of housing;
 - (b) The applicant requests that his/her name be removed from the waiting list;
 - (c) The applicant is rejected, either because he/she is ineligible for public housing at the time of certification, or because he/she fails to meet the application selection criteria, or,
 - (d) The application is withdrawn because the PHA 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:
- (9) The applicant will be called and a letter sent by first class mail to the applicant's last known address, asking the applicant to contact the PHA either by returning the update postcard or in person, bringing proof of identity;
- (10) When five working days have elapsed from the date the PHA mails the letter, if there is no response from the applicant, the applicant will be considered to be withdrawn.
- (11) Persons who fail to respond to PHA attempts to contact them because of verified situations related to a disability shall be entitled to reasonable accommodation. In such circumstances, the PHA shall reinstate these individuals to their former waiting list positions.
- (12) Families whose applications are withdrawn or rejected must reapply for housing when the waiting list is open. Families whose applications were withdrawn may not reapply for 12 months.

8. NOTIFICATION TO APPLICANTS

The PHA shall properly notify any applicant determined to be ineligible for admission as to the basis for such determination. The applicant is to be given, upon request, an opportunity for an informal hearing on such determination. Any applicant determined to be eligible for admission to the development is to be notified of the approximate date of occupancy insofar as such date can be reasonably determined.

An estimate of the admission date will be determined based upon the normal rate of turnover that the PHA experiences in a given 12-month period.

9. RESIDENT SELECTION

It shall be the policy of this PHA to attain, to the maximum extent feasible, a tenant body in each project that is composed of families with a broad range of incomes and to avoid concentrations of the most

economically deprived families with serious social problems.

The PHA will not, on account of race, color, religion, sex, handicap, familial status, age or national origin, deny to any family or individual the opportunity to apply for admission nor deny or hinder any eligible applicant the opportunity to make application, lease, or rent dwelling units suitable to its need in any development.

10. PREFERENCES

The Housing Authority will inform all applicants about available preferences and will give applicants an opportunity to show that they qualify for available preferences. The Housing Authority will select families based on the following preference within each bedroom size category:

Category 1

- (1) Working families as defined by those families whose Head of Household and/or Spouse have been working full-time (35 hours/week) for a minimum period of 9 months (documented wage earnings). Applicants whose head of household or Spouse are elderly and/or disabled will qualify for this preference and will be given additional preference for 1 bedroom units over other families.
- (2) Those who have been Involuntarily Displaced due to a Federally Declared Disaster.

Category 2

- (3) Working Family. At least one family member (must be family head or spouse) who is employed at least 15 hours per week (9 months of documented wage earnings) or enrolled in a secondary education program full-time.

Category 3

- (1) The Head of Household or Married Spouse is actively participating in a family treatment court including Drug/DUI courts, and/or Juvenile Courts Recovery Program and Mental Health services. These individuals must have provided documentation demonstrating progress towards meeting goals and remaining actively involved in their Court Ordered Counseling (A referral form will be required from the courts)
- (4) Veterans and veteran's families and those who are live and/or work in Hall County.
- (5) Youth in foster care that have aged out and are continuing education and job training through DFCS program.
- (6) Victims of Domestic Violence who have actively participating for 60 days in a residential Domestic Violence Shelter.

Category 4

All other eligible applicants.

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

Accessible Units

- (7) Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above.
- (8) If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list.

- (9) Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms.

11. RESIDENT ASSIGNMENTS

A central application pool (waiting list) will be maintained, filed first by unit size and by preference. Each application shall be identified by date and time of application.

Applicant's removal to the bottom of the list will be implemented unless satisfactory evidence is presented that acceptance of the offered unit will result in undue hardship not related to race, color, sex or national origin. Undue hardship could mean lack of transportation from development to source of employment, or hardship with respect to health, or physical handicaps.

The PHA shall exercise discretion, notwithstanding the provisions outlined above, however, in the assignment of residents to units where such assignment is made desirable by such things as heart attacks, longtime illness, etc., in order to permit adequate medical attention.

A record will be maintained in the application folder on the Tenant Selection List as to the vacancies offered, including location, date and circumstances of each offer and each rejection or acceptance.

In the assignment of residents, there is to be no discrimination against families, otherwise eligible for admission, because their incomes are derived in whole or part from public assistance.

Any vacant unit offer will be based on a determination of how many locations have available units of suitable size and type. If a suitable unit is available in:

- (1) One location: The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available whether at the same location as the first offer or at another location. If the second offer is rejected, the applicant will be offered the next suitable unit that becomes available whether at the same location as the first or second offers or at another location. If the applicant rejects the third offer, the applicant's name will be moved to the bottom of the waiting list.
- (2) More than one location: The applicant will be offered the unit that has been vacant for the longest period of time. If the offer is rejected, the applicant will be offered the unit that has been vacant for the second longest period of time. If the applicant rejects the second offer, the applicant will be offered the unit that has been vacant for the third longest period of time. If the applicant rejects the third offer, the applicant's name will be moved to the bottom of the waiting list.

The plan to be used must be the plan provided with the Statement of Compliance as approved by HUD in conformance with Title VI of the Civil Rights Act of 1964 or any subsequent approval by HUD.

Deconcentration Policy

- (3) The objective of the Deconcentration Policy for the PHA is to achieve the goal that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development or census tract. The PHA will take actions as necessary to achieve the goal that no individual development has a concentration of higher income or lower income families. To ensure that the PHA does not concentrate families with higher or lower income levels in any one development, the PHA will track the status of family income, by development, on a monthly basis utilizing income reports generated by the PHA's computer system.

- (4) The PHA will periodically compare the relative incomes of its developments to the relative incomes of the census tracts in which they are located. Where significant differences are identified, income targeting will be applied.

Income Targeting

- (5) To accomplish the deconcentration goals, the PHA will take the following actions:
 - (a) At the beginning of each fiscal year the PHA will establish a numerical goal for admission of families whose incomes are at or below 30 percent of the area median income. The target annual goal will be calculated by taking 40 percent of the total number of move-ins from the previous PHA fiscal year.
 - (b) The PHA will limit the number of admissions to ensure that not less than 40 percent of admissions are families with incomes at or below 30 percent of the area median income.
 - (c) The PHA will skip families on the waiting list or skip developments to accomplish these goals.
- (6) The PHA will not hold units vacant to accomplish these goals.

TRANSFER OF RESIDENTS UNIT TRANSFERS

A. Introduction

1. Transfers of tenants from one unit to another will be approved solely in accordance with this policy.
2. Transfers shall be made without regard to race, creed, color, gender, familial status, disability or national origin.
3. Tenants shall not be transferred to a dwelling unit of equal size except for transferring a non-handicapped family residing in a handicap-accessible unit or for alleviating hardships or other undesirable conditions as determined by the Executive Director or designee.
4. Transfers will only be made when tenants are not delinquent in rent, have good housekeeping habits, and have not caused damage to the current unit being occupied.
5. Transfer requests shall be placed on a Transfer List in the order of the date the request is approved. All transfer requests shall be reviewed by the Manager and Executive Director or his/her designee. Separate transfer lists shall be maintained for each development; however, a master listing of transfer requests shall be maintained at the main office of the Authority.
6. With the exception of moves related to modernization activity (relocation) or in the case of an emergency, a tenant family transferring from one apartment to another is responsible for any costs associated with moving to the new apartment.
7. Tenants refusing to transfer as a result of approved GHA demolition/disposition procedures will be subject to eviction.

B. Type of Transfers

The AUTHORITY has three types of transfers: Emergency - Category 1 and Administrative - Category 1 and Category 2.

1. *Emergency Transfers, Category 1*, are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by Authority. Emergency transfers may be made to repair unit defects hazardous to life, health, or safety, to

alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, to protect members of the household from criminal acts, or who may be victims of hate crimes or extreme harassment. These transfers shall take priority over new admissions.

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

Requests for transfers under Administrative, Category 1 will be made to the Housing Manager. The resident will provide the Housing Manager with the necessary verification and/or documentation to substantiate the need for a transfer. Whenever feasible, transfers will be made within a resident's development. Transfers may also be initiated by Authority.

3. *Administrative Transfers, Category 2*, may be made to correct occupancy standards (i.e. over/under housed conditions), to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas, or for resident hardship situations. These transfers do not take priority over new admissions.
 - a. Category 2 Administrative transfers will be processed with new admissions using a ratio of one transfer for every five new admissions. This ratio is discretionary and will be reviewed at least annually to determine its effects on the vacancy rate. Based on recommendations from staff, the Executive Director may authorize a change in this ratio or suspend the processing of this type of transfer.
 - b. Transfers to correct occupancy standards may be recommended at time of re-examination or interim re-determination. This is the only method used to determine over/under housed status.
 - c. Residents in an over/under housed status will be advised within 30 days of the annual or interim reexamination that a transfer is recommended and that the family has been placed on the transfer list.
 - d. When a head of household, originally housed in a bedroom alone, has a child, that child shall remain in the parent's bedroom until he/she is two (2) years of age. After age 2, a Category 2 Administrative Transfer may be recommended.
 - e. Residents may request a personal hardship transfer, to provide better access to employment, child care, etc. The resident will provide the Housing Manager with the necessary verification and/or documentation to substantiate the need for a transfer. These transfers will be made after other listed transfers, as units are available, and based on the percentage of vacancies.

C. Unit Offers

1. A tenant that has received a formal transfer offer is given twenty-four hours to accept the offer and sign a Dwelling Lease for the new unit. Thereafter, the tenant is given an additional three (3) days to move personal belongings. If the transfer has not been completed and a signed unit move-out inspection of the vacated former unit properly scheduled and completed with GHA staff within the three (3) days a daily fee of \$10 (late transfer fee) will be assessed for each day thereafter until the move and inspection are completed.

2. If the tenant refuses a unit offer, the tenant's lease may be terminated in accordance with the lease for Category 1 transfers. If the tenant refuses a unit offer for Category 2 transfers the tenant will not be allowed to re-request a transfer for twenty-four (24) months. During the entire proceedings, the tenant will be advised of his/her rights under the Grievance Procedure.

D. Extended Family

Members of an extended family living in a Authority unit may not be separated into two dwelling units through a transfer application. Specific family members may apply for a separate unit using the application procedures described in this Policy. Members of such a family will receive no preference on the standard waiting list as a result of occupancy in a Authority unit.

E. Revision or Suspension of Transfer Policy

The Authority reserves the right to revise or suspend its Transfer Policy because of efforts to decrease vacancies or any other management initiative. Transfers during such times will be treated on a case-by-case basis solely at the discretion of the Executive Director.

12. LEASING OF DWELLING UNITS

A lease agreement is to be entered into between this PHA and each resident family. The lease is to be kept current at all times and is to reflect the rent being charged, the unit occupied and the conditions governing occupancy. Cancellation of a resident's lease is to be in accordance with the provision of the lease and applicable regulations.

Written records of all evictions from any low-income public housing development shall be maintained as required by HUD.

The lease must be signed by the head of household and spouse (if spouse is an adult) and by any other adult person who resides in the dwelling unit.

13. OCCUPANCY STANDARDS

To avoid overcrowding and prevent waste of space, dwellings are to be leased in accordance with the occupancy standards set forth below. In the event, however, there should be dwellings in a development which cannot be filled with families of appropriate size to make effective use of all available accommodations and to prevent or limit vacancy loss, eligible families of the most nearly appropriate size may be assigned to them, in which case the PHA reserves the right to transfer to the proper unit at a later date.

Bedroom Size	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	11

When it is found that the size of the dwelling is no longer suitable for the family in accordance with the standards as listed above, the family will be required to move as soon as a dwelling of appropriate size becomes available. To the maximum extent possible, needed transfers to units of appropriate size will have precedence over new admissions.

The aforementioned standards are to be maintained insofar as possible at admission and continued occupancy. However, the following relaxation from such standards may be permitted.

- (1) Dwellings shall be assigned insofar as possible so that persons of the opposite sex (other than husband and wife) will not occupy the same bedroom, except for minors under the age of four years.
- (2) Dwellings shall be assigned so as not to require the use of the living room for sleeping purposes. Any exception to this can be approved by the Executive Director or his/her designee on a temporary basis.
- (3) Additional space may be assigned by the Executive Director or designee as deemed necessary due to age, illness, disability or employment.
- (4) Two small children under school age of the same sex may share the same bedroom in.
- (5) Every family member residing in the household regardless of age is to be counted as a person.
- (6) The maximums allowed in the above table may be exceeded to permit an infant to share a bedroom with its parents.

(7)

SECTION III
CONTINUED OCCUPANCY POLICIES

SECTION III CONTINUED OCCUPANCY POLICIES

1. CONDITIONS GOVERNING CONTINUED OCCUPANCY

To be eligible for continued occupancy in the HUD-aided Public Housing Developments operated by this PHA are only those residents:

- (1) Who qualify as a family or remaining member of tenant family legally of age to sign contracts.
- (2) Who conform to the PHA's established Eligibility and Occupancy Standards, including the "One Strike, You're Out" Policy (see Section II, Paragraph 6 and Section III, Paragraph 4.)
- (3) Who conform with the requirements contained in the Apartment Lease executed between the resident and the PHA.
- (4) Who comply with the Community Service Requirements of this section.
- (5) Have exhibited appropriate conduct since residing in public housing including:
 - Have not interfered with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare;
 - Have not adversely affected the physical environment of the community;
 - Have not adversely affected the financial stability of the development;
 - Have not illegally used a controlled substance or engaged in drug-related criminal activities on or off the premises; and
 - Have not interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants because of the abuse of alcohol.

2. REEXAMINATIONS

When reexaminations are required:

- (1) For families who pay an income-based rent, the PHA must conduct a reexamination of family income and composition at least annually and must make appropriate adjustments in the rent after consultation with the family and upon verification of the information.
- (2) For families who choose flat rents, the PHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every three years.
- (3) For all families who include nonexempt individuals, the PHA must determine compliance once each twelve months with community service and self-sufficiency requirements.
- (4) The PHA may use the results of these reexaminations to require the family to move to an appropriate size unit.

As a part of the annual reexamination, a written application, signed by a responsible member of the family shall be obtained. The application shall set forth all data and information necessary for the PHA to determine rent and eligibility. Verification for employment and income, earned and non-earned, including that from assets, shall be obtained, along with appropriate documentation, to substantiate the determination of annual income. Data and/or verifications essential to substantiate the determination of family income should be made a part of the record of each application with all other materials relating to eligibility.

In the event that a tenant household fails to keep a scheduled reexamination appointment or promptly submit all necessary information, he/she shall be given ten (10) days from the date of written notification to provide AUTHORITY with the required information.

In the event the tenant fails to participate in the interview and/or to provide information required by AUTHORITY, the Authority may establish the tenant's rent based upon local market rents or actual operating cost whichever is higher until the matter is resolved and/or terminate the tenant from the program.

Employment and income data, assets, full-time student status, medical expenses (elderly and disabled state moderate families only), child care expense, and handicapped assistance expenses will be verified, documented and placed in the tenant's folder.

Third party written verifications will be obtained whenever possible. When the AUTHORITY and tenant household have made all reasonable effort to obtain third party written verifications, documents obtained from the tenant and photocopied are an acceptable form of verification, when not prohibited by law. If photocopying is prohibited by law, Authority staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. Oral third party verifications are also acceptable, if properly documented. When such documents cannot be photocopied or orally verified, AUTHORITY will proceed with processing using the best possible documentation and information available. All verifications will be maintained in the tenant's folder.

Verified information will be analyzed and a determination of rent and of the appropriate unit size made.

In addition to other pertinent information, each application for continued occupancy shall indicate the effective date of move-in; the determination of the PHA as to rent and as to eligibility or non-eligibility of the applicant; and the unit size for which eligible. The application shall be appropriately certified.

Annual reexamination. The annual reexamination date(s) for each development are posted for public viewing at the PHA and are incorporated into this document by reference.

Special reexamination. If at the time of admission or periodic reexamination, the PHA can satisfy itself that a family is clearly a lower income family, but that it is not possible to make an estimate of annual income for the ensuing 12 months with any reasonable degree of accuracy because of conditions such as the following:

- (5) Family member(s) are unemployed and there are no anticipated prospects of employment; or
- (6) The conditions of employment and/or income are so unstable as to invalidate usual and normal standards of determinations; then, a special reexamination will be scheduled on a date determined by the PHA's estimate of the time required for the family's circumstances to stabilize. If, at the time of the scheduled reexamination, it is still not possible to make a reasonable estimate of annual income, special reexaminations will continue to be scheduled until such time as a reasonable estimate of annual income can be made and the reexamination completed. The special reexaminations do not replace the annual reexamination.

A family may request an interim reexamination of family income or composition at any time. The Authority will make the interim reexamination within a reasonable time after the family request and will adjust the family's rent in accordance with the Apartment Lease.

3. INTERIM REPORTING

Interim reporting requirements are specified in the Apartment Lease and are hereby made a part of this document by reference.

4. MISREPRESENTATION AFFECTING ELIGIBILITY AND/OR RENT

If any reexamination discloses that the tenant, at the time of admission or any previous reexamination, made any misrepresentations which resulted in being classified as eligible when in fact the family was

ineligible, the tenant may be required to vacate even though the family may currently be eligible.

Also, if at the time of reexamination it is found that the tenant's representations resulted in paying a lower rent than should have been paid, the tenant is to be required to pay the difference between the rent that was paid and that which should have been paid, retroactively to the date of occurrence.

5. RENTS

Family Choice.

- (1) At admission and no more than once each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method (income-based rent) or having their rent set at the flat or ceiling rent amount.
 - (a) Flat or ceiling rent amount
 - 1) Families who opt for the flat rent (if available) will be required to go through the family composition reexamination annually and the income reexamination process every three years, rather than the annual income review they would otherwise undergo. Where the PHA uses ceiling rents instead of flat rents, the tenant must be re-certified annually.
 - 2) Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:
 - a) The family's income has decreased.
 - b) The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - c) Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
 - 3) If the family chooses to pay a flat rent, the PHA does not pay any utility reimbursement.
 - 4) Changes in rent will be made the first of the month following the change in rent choice. When a family switches to income based rent due to a financial hardship, the family must wait until its next annual option to select the type of rent.
 - (b) The formula method (Income based rent).
 - 1) The total tenant payment is equal to the highest of:
 - a) 10 percent of monthly income;
 - b) 30 percent of adjusted monthly income; or
 - c) The welfare rent.
 - 2) The family will pay the greater of the total tenant payment or the minimum rent.

Minimum Rent

- (2) The Housing Authority has set the minimum rent at **\$50.00**. However if the family requests a hardship exemption, the Housing Authority will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. "Immediately" as used in this paragraph is defined as "the beginning of the month following the family's hardship request". The financial hardship exemption applies only to payment of the minimum rent.
- (3) A hardship exists in the following circumstances:
 - (a) When the family has lost eligibility for, or is waiting for an eligibility determination for a federal, state, or local assistance program; including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
 - (b) When the family would be evicted because it is unable to pay the minimum rent requirement;
 - (c) When the income of the family has decreased because of changed circumstances, including loss of employment;

- (d) When a death has occurred in the family;
 - (e) Other circumstances as determined by the PHA or HUD.
- (4) The above exemptions must be proven by the resident by providing to the PHA verifiable information in writing prior to the rent becoming delinquent and before the lease is terminated by the PHA.
 - (5) No hardship. If the PHA determines that there is not a qualifying permanent financial hardship that PHA reinstates the minimum rent from the time of suspension, the PHA may offer the family a reasonable repayment agreement for the amount of back rent owed.
 - (6) Temporary hardship. If the PHA determines that there is a qualifying hardship, but that it is temporary, the PHA reinstates the minimum rent, including back rent owed from the beginning of suspension. The PHA cannot evict the family for nonpayment of the amount of minimum rent in excess of tenant rent otherwise payable during the 90-day period beginning on the date the family requested an exemption. The PHA must offer the family a reasonable repayment agreement for the amount of back rent owed.
 - (7) Permanent hardship. If the PHA determines there is a qualifying long-term financial hardship, the responsible entity must exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying hardship.
 - (8) Appeals. A family who appeals a financial hardship determination through the public housing grievance procedure is exempt from any escrow deposit that may be required by the regulations governing these procedures.

Flat Rent

- (9) Where applicable, the PHA has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The Housing Authority determined the market value of the unit and set the rent at the market value. The market value is the rent charged for comparable units in the private, unassisted rental market at which the Authority could lease the public housing unit after preparation for occupancy. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the reexamination date for each affected family. The Authority will not pay a utility reimbursement for a family that has chosen to pay a flat rent.
- (10) The Housing Authority will post the flat rents at the central office and they will be incorporated in this policy by reference.

Ceiling Rent

- (11) Where applicable, the Housing Authority has set a ceiling rent for each public housing unit. The amount of the ceiling rent will be reevaluated annually and the adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the reexamination date for each affected family.
- (12) The Housing Authority will post the ceiling rents at the central office and they are incorporated in this policy by reference.

Rent for Families Under the Noncitizen Rule

- (13) A mixed family will receive full continuation of assistance if all of the following conditions are met:
 - (a) The family was receiving assistance on June 19, 1995;
 - (b) The family was granted continuation of assistance before November 29, 1996;
 - (c) The family's head or spouse has eligible immigration status; and

- (d) The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

Information for Families. For the family to make an informed choice about its rent options, the PHA will provide sufficient information for an informed choice. Such information will include at least the following written information:

- (14) The PHA's policies on switching type of rent in circumstances of financial hardship, and
- (15) The dollar amounts of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the PHA is required to provide the amount of income-based rent for the subsequent year only in the year the PHA conducts an income reexamination or if the family specifically requests it and submits updated income information. For a family that chooses the flat rent option, the PHA will conduct a reexamination of family income at least once every three years.

Switch from flat rent to income-based rent because of hardship.

- (16) A family that is paying a flat rent may at any time request a switch to payment of income-based rent (before the next annual option to select the type of rent) if the family is unable to pay flat rent because of financial hardship.
- (17) If the PHA determines that the family is unable to pay the flat rent because of financial hardship, the PHA will immediately allow the requested switch to income-based rent. The PHA shall make the determination within a reasonable time after the family request.
- (18) The PHA policies for determining when payment of flat rent is a financial hardship include the following situations:
 - (a) The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;
 - (b) The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items; and
 - (c) Such other situations determined by the PHA to be appropriate.

Rent Determination for Zero Income Families

- (19) All families declaring zero income must complete a zero income questionnaire certifying to expenses and sources of income. In addition to wages, interest and other sources, income includes periodic and determinable allowances, such as alimony and child support payments, regular and sporadic contributions or gifts received from persons not residing in the dwelling.
- (20) Residents unable to adequately identify reasonable expenses may be assigned expenses by category based on regional norms.

6. COMMUNITY SERVICE

The 1998 Quality Housing and Work Responsibility Act of 1998 requires that nonexempt residents of public housing perform community service. HUD states that the provision is not intended to be perceived as punitive, but rather considered as rewarding activity that will assist residents in improving their own and their neighbors' economic and social well-being and give residents a greater stake in their communities.

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service or (2) participate in an economic self-sufficiency program, or a combination of the two, unless they are exempt from this requirement.

Exempt individual

The following adult family members of tenant families are exempt from this requirement. An adult who:

- (1) Is 62 years or older;
- (2) Is a blind or disabled individual, as defined under the Social Security Act, and who certifies that because of this disability she or he is unable to comply with the community service requirements.
- (3) Family members who are the primary care giver for someone who is blind or disabled as set forth above.
- (4) Family members engaged in work activity.
- (5) Family members who are exempt from work activity under Part A of Title IV of the Social Security Act or under any other State welfare program, including the Welfare-to-Work program.
- (6) Is a member of a family receiving assistance, benefits or services under a State program funded under Part A of Title IV of the Social Security Act or under any other State welfare program including Welfare-to-Work and who are in compliance with that program.

All families will be given a written description of the service requirement, and of the process for claiming status as an exempt person. This will include the PHA's determination identifying the family members who are subject to the service requirement, and the family members who are exempt persons. The PHA will provide a form to any family members requesting exemption from the service and will advise the member what documentation is required to support the exemption. The PHA will approve or deny the request for exemption within 30 days from receipt of a request that includes required documentation. A family member may request an exempt status at anytime.

The PHA will provide a listing of qualifying community service or self-sufficiency activities that will meet this requirement. This list may be updated by the PHA at anytime. Each nonexempt family member will be given a community service time sheet to track the monthly volunteer hours. A supervisor must sign and date each period of work. If qualifying activities are administered by an organization other than the PHA, a family member who is required to fulfill a service requirement must provide signed community service time sheets certifying to the PHA by such other organization that the family member has performed such qualifying activities.

The PHA must review family compliance with service requirements, and must verify such compliance annually at least thirty days before the end of the twelve month lease term. The PHA must retain reasonable documentation of service requirement performance in tenant files.

If the PHA determines that there is a family member who is required to fulfill a service requirement, but who has violated this family obligation (noncompliant resident), the PHA must notify the tenant of this determination. The PHA notice to the tenant must:

- (7) Briefly describe the noncompliance;
- (8) State that the PHA will not renew the lease at the end of the twelve month lease term unless;
 - (a) The tenant, and any other noncompliant resident, enter into a written agreement with the PHA, in the form and manner required by the PHA, to cure such noncompliance, and in fact cure such noncompliance in accordance with such agreement; or
 - (b) The family provides written assurance satisfactory to the PHA that the tenant or other noncompliant resident no longer resides in the unit.
- (9) State that the tenant may request a grievance hearing on the PHA determination, and the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of such determination.

If the tenant or another family member has violated the service requirement, the PHA may not renew the lease upon expiration of the term unless:

- (10) The tenant, and any other noncompliant resident, enter into a written agreement with the PHA, in the form and manner required by the PHA, to cure such noncompliance by completing the additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the twelve-month term of the new lease, and
- (11) All other members of the family who are subject to the service requirement are currently complying with the service requirement or are no longer residing in the unit.

In implementing the service requirement, the PHA may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by PHA employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

If a tenant (or family) moves out having not contributed the required number of community service hours, they will not be eligible for re-admission until satisfactory documentation is submitted to the housing authority indicating that the previously uncompleted community service hours have been completed.

Uncompleted community service hours will be included in the tenant's rental history and will be provided to landlords requesting rental history.

Requests for rental history from other PHAs will include a Request For Community Service Compliance.

SECTION IV
MATERIAL POSTING REQUIREMENT

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MATERIAL POSTING REQUIREMENT

There shall be maintained in every PHA office a bulletin board which accommodates the following materials in such a manner as to be readily available to all visitors:

1. Statement of Admission and Continued Occupancy Policy
2. Tenant Selection and Assignment Plan (if not incorporated in the ACOP)
3. Income Limits
4. Utility Allowances
5. Current Schedule of Maintenance Charges
6. Dwelling Lease
7. Grievance Procedure
8. Fair Housing Poster
9. Equal Opportunity in Employment Poster
10. Lead-Based Paint Notification
11. State Law Requirements Regarding Fraud
12. Pet Policy
13. Re-examination Dates for Developments

SECTION V
FRAUD POLICY

SECTION V. FRAUD POLICY

1. Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations for the purpose of obtaining rental assistance.
2. Fraud is defined as “a single act or pattern of actions made with the intent to deceive or mislead, including false statements, omissions of information or the concealment of a substantive fact made with the intention of deceiving or misleading the housing authority when the act or acts lead to the person or person(s) involved receiving benefits to which they are not entitled.
3. Through application of its verification procedures for income and household information, the housing authority will make every effort to ensure that applicants and residents are made aware of the consequences of providing false or misleading information. Further, the housing authority will make every effort to verify all information provided by residents and applicants.
4. When fraudulent activity is discovered, the housing authority will take action to document the activity and undertake the appropriate remedy. The remedy may vary depending on the specific circumstances of the case and the action deemed appropriate by the housing authority and could include, but will not be limited to:

The tenant may be required to immediately repay the amount;

The housing authority may enter into a repayment agreement with the tenant if the amount does not exceed \$2,400 in accordance with Section II stated herein.

If the amount exceeds \$2,400.00, the families' assistance will be immediately terminated.

If the amount exceeds \$5,000.00, the tenant will not be eligible for re-admission to the Housing Authority, regardless of repayment.

Where the families' assistance is terminated due to fraud, the housing authority may, at its discretion, refer the case to local, state, or federal authorities for prosecution.

SECTION VI
FLAT RENT AMOUNTS

Flat Rents are computed annually each year and developed based upon actual utility cost (water/sewage) per apartment and advertised market rents for the area.

Developments	Bedroom size					
	0	1	2	3	4	5
Melrose	\$	\$400	\$470	\$550	\$625	\$700
Atlanta Street/Green Hunter Homes	\$ 299	\$363	\$428	\$535	\$599	\$689
Tower Heights, Rainey, Collins, Pine, Athens, Mill, Banks, Martin Luther King,	\$400	\$556	\$612	\$786	\$996	
Summit, Will Street			\$550	\$625	\$725	\$825
Jesse Jewell and Harrison Square, Johnson	\$400	\$556	\$612	\$786	\$996	\$1100

Rates above effective 02/01/2013