

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

PHA Plans

5 Year Plan for Fiscal Years 2005 - 2009

Annual Plan for Fiscal Year 2007

Housing Authority of the City of Fort Wayne, Indiana
in003v01
July 1, 2007

PHA Plan Agency Identification

PHA Name: Housing Authority of the City of Fort Wayne, Indiana

PHA Number: IN003

PHA Fiscal Year Beginning: 07/2007

PHA Programs Administered:

Public Housing and Section 8
 Section 8 Only
 Public Housing Only
 Number of public housing units: Number of S8 units: Number of public housing units:
 Number of S8 units:

PHA Consortia: (check box if submitting a joint PHA Plan and complete table)

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

Public Access to Information

Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)

Main administrative office of the PHA
7315 S. Hanna Street, Fort Wayne, IN 46816, (260) 449-7811, Maynard

Scales

PHA development management offices
 PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

Main administrative office of the PHA
7315 S. Hanna Street, Fort Wayne, IN 46816, (260) 449-7811

PHA development management offices
 PHA local offices
 Main administrative office of the local government

- Main administrative office of the County government
- Main administrative office of the State government
- Public library
- PHA website
- Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- Main business office of the PHA
7315 S. Hanna Street, Fort Wayne, IN 46816, (260) 449-7811
- PHA development management offices
- Other (list below)

5-YEAR PLAN
PHA FISCAL YEARS 2005 - 2009
[24 CFR Part 903.5]

A. Mission

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

- The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- The PHA's mission is: The mission of the Fort Wayne Housing Authority is to provide good quality, affordable housing and superior services to eligible members of the Fort Wayne Community and to maintain an atmosphere that encourages self-sufficiency.

B. Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

- PHA Goal: Expand the supply of assisted housing
- Objectives:
- Apply for additional rental vouchers:
 - Reduce public housing vacancies: **Maintain public housing vacancies below 3%**
 - Leverage private or other public funds to create additional housing opportunities:
 - Acquire or build units or developments
 - Other (list below)
1. Promote Homeownership opportunities including the Self-Sufficiency and Housing Choice Voucher Program.
 2. Submit at least one tax credit application every 2-years with a goal to increase the number of affordable housing units by at least 250 under FWHA management.

PROGRESS STATEMENT:

FWHA made progress toward the above stated goal by:

1. Became a High Performing Agency with progressively improving scores for the last 6-years.
2. 52-unit Senior Housing LIHTC development opened Spring 2006.
3. Submitted Replacement Housing Factor Plan in December 2005.

PHA Goal: Improve the quality of assisted housing

Objectives:

- Improve public housing management: (PHAS score) 95
- Improve voucher management: (SEMAP score) 72
- Increase customer satisfaction: Continue to provide a high-level of customer service, measure customer satisfaction for the primary and secondary customer, and implement improvement plans, as required.
- Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections) Implement Pre/Post Occupancy Training program to help reduce Public Housing turnover by 5% for each of the next 5 years.
- Renovate or modernize public housing units:
- Demolish or dispose of obsolete public housing:
- Provide replacement public housing: Working with the City of Fort Wayne to apply for HOPE VI grant based on the City's Housing Strategy Report.
- Provide replacement vouchers: Increase ability to fund HCVP vouchers
- Other: (list below)
 1. Implement a skills assessment testing program to evaluate staff training needs.
 2. Maintain a commitment to a high level of usage of HTVN and Apartment Association staff training opportunities.
 3. Maintain a commitment to a high level of usage of Professional trainer, seminars, conferences, in-house seminars, etc. for staff training.
 - 4.

PROGRESS STATEMENT:

FWHA made progress toward the above stated goal by:

1. Used CFP Housing Revenue Bonds to accelerate a 10 year capital improvements plan.
2. Used CFP funds to reduce the incident of crime and crime related activities on all properties to levels below city-wide averages
3. Provided HCVP landlords information regarding program usage HQS and compliance.
4. Established a contract with a software provider to replace the existing applicant/tenant/participant management program.
5. Renovated family properties adding curb appeal type site improvements, air conditioning, windows, doors, and siding.

6. Provided HVCP, Public Housing Management and Rental Management training to appropriate staff to improve program integrity, enhance overall staff performance.

PHA Goal: Increase assisted housing choices

Objectives:

- Provide voucher mobility counseling: Add mobility module to HCVP orientation procedure.
- Conduct outreach efforts to potential voucher landlords
- Increase voucher payment standards
- Implement voucher homeownership program: Program is on-going
- Implement public housing or other homeownership programs: Working with the City of Fort Wayne and an outside developer to create LIHTC homeownership product.
- Implement public housing site-based waiting lists:
- Convert public housing to vouchers:
- Other: (list below)
 1. Explore implementation of public housing site-based waiting lists.
 2. Following market analysis, explore converting public housing stock to vouchers.
 3. Explore establishing a Project-based HCVP Program as a tool to deconcentrate HCV usage.
 4. Explore applying for HCVP 811 Voucher funding.

PROGRESS STATEMENT:

FWHA made progress toward the above stated goal by:

1. Conducted study of location of vouchers in jurisdiction by City quadrants and census tracts to assist in deconcentration efforts.
2. Participated in Senior Housing Fair, joined City Housing "Cabinet" to expand housing choices under the City Housing Strategy.
3. Under Homeownership program, placed 13 loans for program participants.
4. Working with local disability advocacy groups to determine the need and develop an application for HCVP 811 vouchers.

HUD Strategic Goal: Improve community quality of life and economic vitality

PHA Goal: Provide an improved living environment

Objectives:

- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:

- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- Implement public housing security improvements:
- Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- Other: (list below)
 1. Perform necessary modifications to units and public housing sites to successfully compete with comparable market housing. Complete and implement a curb appeal improvement plan.
 2. Apply sound asset management principles on an individual site basis to maintain and build the value of all properties.
 3. Explore the possibilities of designating developments or buildings for particular resident groups (elderly, persons with disabilities).

PROGRESS STATEMENT:

FWHA made progress toward the above stated goal by:

1. Using CFP funded Community Policing and CPTED principles, reduce FWHA property crime levels below community-wide rate.
2. FWHA continues to explore the designated development options.

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

- Increase the number and percentage of employed persons in assisted families:
- Provide or attract supportive services to improve assistance recipients' employability:
- Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- Other: (list below)

1. Develop Pre/Post Occupancy orientation and training program to assess the self-sufficiency levels and needs of assisted households.

PROGRESS STATEMENT:

FWHA made progress toward the above stated goal by:

1. Working with a consortium of local agencies, FWHA is developing a program to submit to AmeriCorps for persons to work with the Public Housing Self-Sufficiency Program
2. Housing Choice Voucher Family Self-Sufficiency Program
3. Comprehensive Counseling Program works with Public Housing residents in jeopardy of losing their unit to help them create budgets and meet their repayment agreement.

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing Objectives:
 - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
 - Other: (list below)
 1. FWHA provides training opportunities for staff and community on an annual basis to promote equal opportunity in housing.

PROGRESS STATEMENT:

FWHA made progress toward the above stated goal by:

1. Participation by all departments in staff training on Fair Housing principles.
2. Reviewed and updated the use of the Fair Housing logo on FWHA printed materials.
3. Outreach marketing to families less likely to apply to FWHA programs: Immigrant Community and Disabled Community.

Other PHA Goals and Objectives: (list below)

The goals of FWHA as stated in the 5-Year Plan for Fiscal Years 2005-2009 and revisited in this annual update are consistent with HUD strategic goals and the Consolidated Plan of the City of Fort Wayne to increase the availability of decent, safe, affordable housing. FWHA's Annual Plan is available for review at the City of Fort Wayne, Division of Community and Economic Development as well as the FWHA main office.

To accelerate the completion of modernization activities, Fort Wayne Housing Authority completed issuance of a bond issue in the approximate amount of \$3,710,000 that will be secured by the anticipated receipt of a portion of the Authority's capital funds from HUD. The bond issue proceeds were available in 2003, and the authority will allocate approximately 25% of each capital fund grant for the debt service on the bond issue.

Demolition/Disposition:

During 2001, FWHA successfully demolished the Miami Village property. FWHA completed a successful land swap with the neighboring physician's office and a new medical complex has been built on a portion of the previous Miami Village site. On the adjacent land that had been the site of the physician's office, FWHA utilizing its CHDO arm and working in conjunction with the City of Fort Wayne developed 52 units of mixed finance housing that will further our goals of increasing the supply of affordable housing. FWHA is committed to maintaining its current housing stock while seeking development opportunities to increase the amount of affordable housing to meet the needs documented in the Housing Needs Section below. In that regard, FWHA will develop the area in cooperation with local business resources and the City of Fort Wayne. In addition, to create improved agency efficiency, FWHA plans to dispose of its Fire House at S. Anthony and the existing Administrative Building at 2013 S. Anthony and build an addition to the current HCVP office. By combining offices, a higher level of management efficiency and cost saving can occur.

We have adopted the following goals and objectives to guide the agency in FY2007:

1. Develop an affirmative fair housing marketing strategy based on the recently completed market study and other research.
2. Seek ways and resources to add amenities to public housing and other FWHA managed properties necessary for developments to compete with the surrounding apartment market.
3. Expand the non profit entity's (Housing Opportunities Program) capacity to develop tax credit and or mixed financed housing.
4. Using our non-profit entity, acquire and rehabilitate 1-2 HUD-owned or tax sale properties to meet home ownership goals.
5. Maintain PH FSS Program.
6. Continue to provide financial counseling to at least 100 families interested in homeownership, default and debt management improvement and rental pre and post occupancy counseling through the HUD and CDBG supported Housing Counseling Program.
7. Measure and provide high-level customer service to primary and secondary customer base.
8. Review and update the comprehensive wage and benefit study completed in 2007 as part of our effort to attract and retain competent, committed staff.
9. Maintain commitment to Staff training: HTVN, Apartment Association, in-house seminars, etc.
10. Ensure Equal Housing Opportunity for all applicants and residents.
11. Develop an Operating Procedures Manual using general overview format.
12. Publish a quarterly Agency-wide newsletter.
13. Expand Resident Advisory Board Activity year round with quarterly meetings.
14. Expand Section 8 Home Ownership Program.
15. Continue to explore how the HOP program can participate in homeownership training.
16. Develop contingency plans for proposed Federal funding cuts. Such items to include but not be limited to: fee management, small PH support services, maintenance services to outside agencies, grant writing, banking and mortgage companies.
17. Implement plan for replacement public housing program.
18. Continue to work with the City of Fort Wayne to benefit from joint housing study and Housing Strategy with the City of Fort Wayne.
19. Use CHDO to further the FWHA mission.
20. Web Site Improvement Plan.

21. Provide increased staff training and resources to position agency for HUD Asset Management requirements.
22. Explore and develop possibility of providing Project Based Voucher assistance in deconcentration areas such as at Brooklyn Manor
23. In an effort to coordinate with the City of Fort Wayne's Consolidated Plan and Housing Strategy, FWHA will investigate the possibility of creating a Housing Choice Voucher set-aside for relocation of current qualified low to moderate income tenants in the City's Renaissance Point revitalization area.
24. Explore the feasibility and make application to dispose of all Public Housing Scattered sites if it is determined to be the best alternative under the asset management model.

Annual PHA Plan PHA Fiscal Year 2007

[24 CFR Part 903.7]

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Troubled Agency Plan

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

In Accordance with Section 511 of the Quality Housing and Work Responsibility Act of Fort Wayne is submitting its 2007 Annual Update to its second 5-year PHA plan covering the period July 1, 2005 to June 30, 2010

Mission: Strategic planning sessions were held in November 2006 to revisit the mission. The work-group, consisting of Residents, Commissioners, staff and other public housing specialists, concluded that FWHA's mission statement: The mission of the Fort Wayne Housing Authority is to provide good quality, affordable housing and superior services to eligible members of the Fort Wayne Community and to maintain an atmosphere that encourages self-sufficiency, is still appropriate for the organization

Admissions: At least 40% of the public housing units that become available (turnover) will be rented to the poorest families, at or below 30% of area median income. Section 8 program applicants at 30 % or less of median income will receive at least 75 % of all turnover vouchers.

Rent: A minimum \$50 rent has been implemented. No other changes in the way FWHA determines a family's rent were made. FWHA is however, continuing to review the flat rents that it currently charges higher income families as compared with the levels charged by other affordable programs and the cost of operating the developments. Following that review, FWHA will decide whether any adjustments in ceiling and flat rents are appropriate.

Community Service:, Effective October 2003 FWHA reverted to the Community Service Requirements contained in the Quality Housing and Work Responsibility Act of 1998.

Resident Employment: The Authority will continue to consider ways to further improve its performance under the Section 3 program. Currently at least 10% of the FWHA workforce is comprised of persons receiving rental assistance. Our intern partnership with the Jobs Works division of the Department of Labor was discontinued due to changes in federal funding policies. We continue to use the CFP Program to fund PH internship Program. Under the program, unemployed Section 3 eligible persons are trained in various employment skill areas enhancing their job readiness capability.

Deconcentration: As required by PIH Notice 2001-26, the FWHA has completed the required Income Analysis to determine the need for further action regarding deconcentration of poverty at our sites. At this time, no changes are planned to the FWHA Admissions and Continued Occupancy Policy (ACOP) based on this analysis. We are in compliance with the requirements of the proposed rule since the average income at all covered developments is at or below 30% of area median income.

Section 8 Homeownership Our 2007 goal is to increase our homeownership program by 5 homes sold YTD. FWHA has established a maximum program size of 100.

Project –Based Assistance (PBA)

The Fort Wayne Housing Authority Section 8 administrative plan was amended to provide for the operation of a project-based assistance (PBA) program. The plan provides information to eligible families, owners, and other interested members of the public. Consistent with federal and local goals such as deconcentration, increasing affordable housing in targeted census tracts, elderly only and disability housing needs, project-based choice voucher in the City. In 2007 the housing authority will put out an RFP for additional Project-Based vouchers for senior and disabled apartments.

Deployment of Military Personnel to the Persian Gulf Region

PIH Notice 2003-5 (HA) encourages PHAs administering Public Housing and/or Housing Choice Vouchers and Section 8 Moderate Rehabilitation programs to be supportive of active duty Persian Gulf families. Specific actions that FWHA will undertake to support these families include, but are not limited to:

1. Allowing a suitable guardian to move into the assisted unit on a temporary basis to care for any dependents that the military person leaves in the unit. Income of the guardian temporarily living in the unit solely for this purpose is not to be counted in determining family income and the amount of rent the family income and the amount of rent the family pays based on family income.
2. Careful consideration of the circumstances of any case involving delayed payment of rent by the family. Determine whether it is appropriate to accept a late payment.
3. For the voucher program, granting exceptions to FWHA Section 8 administrative plan policies concerning family absence from the unit to continue housing assistance payments to the owner on behalf of a military family, even though all members of the military family are temporarily absent from the assisted unit because a member of the assisted family has been called to active duty in the Persian Gulf. The voucher program regulation at 24 CFR 982.312 permits family absence from the unit for no more than 180 consecutive days and FWHA may not exceed this regulatory limit.
4. For public housing, FWHA will allow the assisted tenancy and dwelling lease to remain in effect for a reasonable period of time (for example, six months), even though all members of the military family are temporarily absent from the assisted unit because a member of the family has been called to active duty on the Persian Gulf. After a reasonable period of time FWHA will reevaluate the situation and take appropriate action to balance the needs of the family with the need of FWHA to make good use of the scarce housing resources.
It is important to note that special pay to a family member who is exposed to hostile fire while serving in the Armed Forces is specifically excluded from annual income (24 CFR 5.509 (c) (7)).

Capital Fund Program:

The FY 2007 Capital Fund Plan and the Replacement Housing Fund Plan are included as attachments to the Annual Plan. FWHA will continue its focused and aggressive strategy for tackling the basic capital improvements issues facing the portfolio. In the elevator buildings, the FWHA has been able to address all of the primary and secondary critical capital projects. The latest REAC scores for these properties reflect this effort with average scores of 98 points. Special emphasis will now be placed on apartment interior upgrades and common area beautification. Likewise, in the Family portfolio all of the priority life/safety system projects, CEPTD security and safety improvements added have been completed as well as such items such as site improvements, building envelope upgrades and basic interior systems replacements. The progress reflected in the FY2006 Capital Fund Plan represents real progress towards bringing the entire portfolio to a level superior to the majority of public housing stock throughout the country. Illustrative of this point, HUD's current physical score for all properties averages 98 on a 100-point basis (Physical Indicator). See the attached CFP Annual Statement and 5-Year Plan for specific funding allocations.

iii. Annual Plan Table of Contents

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

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Attachments

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

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Required Attachments:

<input checked="" type="checkbox"/> B - Admissions Policy for Deconcentration	77
<input checked="" type="checkbox"/> FY 2006 Capital Fund Program Annual Statement –Included in Plan	38
<input type="checkbox"/> Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)	
<input checked="" type="checkbox"/> H - List of Resident Advisory Board Members	127
<input checked="" type="checkbox"/> J - List of Resident Board Member	131
<input checked="" type="checkbox"/> C - Community Service Description of Implementation	78
<input checked="" type="checkbox"/> D - Information on Pet Policy	90
<input checked="" type="checkbox"/> Q - Section 8 Homeownership Capacity Statement, if applicable	140
<input checked="" type="checkbox"/> Description of Homeownership Programs, if applicable-See Chapter 21 of The Section 8 Administrative Plan	

Optional Attachments:

<input checked="" type="checkbox"/> R - PHA Management Organizational Chart	141
<input checked="" type="checkbox"/> FY 2005 Capital Fund Program 5 Year Action Plan	
<input type="checkbox"/> Public Housing Drug Elimination Program (PHDEP) Plan	
<input checked="" type="checkbox"/> I - Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)	128
<input checked="" type="checkbox"/> Other (List below, providing each attachment name)	
1. (Public Housing Admissions and Continued Occupancy Plan)	
2. (Section 8 Administrative Plan)	

Supporting Documents Available for Review

Indicate which documents are available for public review by placing a mark in the “Applicable & On Display” column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation:	5 Year and Annual Plans

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8	Annual Plan: Grievance Procedures

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	Administrative Plan	
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
N/A	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
N/A	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
N/A	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
N/A	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
N/A	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
N/A	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program <input checked="" type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
X	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
X	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	8,923	5	3	5	5	5	5
Income >30% but <=50% of AMI	15,788	5	3	5	5	5	5
Income >50% but <80% of AMI	22,488	3	3	5	5	5	5
Elderly	4,769	5	4	5	5	2	4
Families with Disabilities	3,316	5	5	5	5	3	5
Race/Ethnicity White Alone	22,502	5	5	5	5	5	5
Race/Ethnicity Black/American							
Race/Ethnicity							
Race/Ethnicity							

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- Consolidated Plan of the Jurisdiction/s
Indicate year: 2006?
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data
Indicate year:
- Other housing market study
Indicate year:
- Other sources: (list and indicate year of information)

B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input checked="" type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	5487 Total of TBA, PBA, and PH w/l combined		
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children	3,018	55%	
Elderly families	604	11%	
Families with Disabilities	1,866	34%	
Race - Black	3,687	67.2%	
Race - White	1,800	32.8%	
Ethnicity – non hispanic	5,306	96.7%	
Race/ethnicity	181	3.3%	
Characteristics by Bedroom Size (Public Housing Only)	2,420	100%	

Housing Needs of Families on the Waiting List

1BR	1156	48%	
2 BR	1019	42%	
3 BR	171	7%	
4 BR	73	3%	
5 BR	1	0%	
5+ BR	0	0%	

Is the waiting list closed (select one)? No Yes HCV Program list is closed- Public Housing & Project Based are open.

If yes:

How long has it been closed (# of months)? 2

Does the PHA expect to reopen the list in the PHA Plan year? No Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No Yes Families with children undergoing Chelation therapy referred by Allen County Health Department.

C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program

- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

Strategy 2: Increase the number of affordable housing units by:

Select all that apply

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- Other: (list below)
 1. Acquire and Rehabilitate existing properties for homeownership purposes, including auction and HUD-owned properties.
 2. Develop mixed financed properties in partnership with private developers.

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work
- Other: (list below)
 1. Develop Housing Choice Voucher Administration Plan revisions to adjust the program to benefit local housing needs

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI

Select all that apply

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work
- Other: (list below)

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

- Seek designation of public housing for the elderly

- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Other: (list below)
 1. Maintain frail elderly in independent living with additional supportive services to avoid premature nursing home placement.
 2. Develop elderly housing with supportive services on appropriate location(s)

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

- Seek designation of public housing for families with disabilities
- Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- Affirmatively market to local non-profit agencies that assist families with disabilities
- Other: (list below)
 1. Seek additional vouchers for mainstreaming person with disabilities.
 2. Partner with non-profit agencies to produce homeownership opportunities for families with disabilities.

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

Select if applicable

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the section 8 program to owners outside of areas of poverty /minority concentrations
- Other: (list below)
 1. Seek funding to establish a Mobility Counseling Program to provide group and individual counseling to Section 8 Voucher holders who are conducting housing searches.

2. Conduct annual meetings with Independent Owners Group of the Apartment Association to discuss all aspects of the Section 8 Program, including fair housing.
3. Provide all employees with annual fair housing training.

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other: (list below)

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2007 grants)		
a) Public Housing Operating Fund	\$1,548,729	
b) Public Housing Capital Fund	\$1,076,194	
c) HOPE VI Revitalization	-0-	
d) HOPE VI Demolition	-0-	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$14,719,159	

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	-0-	
g) Resident Opportunity and Self-Sufficiency Grants	-0-	
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
Section 8 Self Sufficiency	\$76,173	Supportive Services
HUD Housing Counseling Grant	\$23,605	Housing and Financial Counseling
2. Prior Year Federal Grants (unobligated funds only) (list below)	\$175,490	
3. Public Housing Dwelling Rental Income	\$950,000	PH O&M
4. Other income (list below)	-0-	
	-0-	
4. Non-federal sources (list below)		
Anthony Apartments	-0-	O&M for non-federal dwelling units
Total resources	\$18,393,860	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe)

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- Criminal or Drug-related activity
- Rental history
- Housekeeping
- Other (describe)
 1. History of disturbing neighbors or destruction of property.
 2. Having committed fraud in connection with any federal housing assistance program.
 3. History of abusing alcohol and illegal drugs in any way that may interfere with the health, safety, or right to peaceful enjoyment by others.
 4. Check of State's lifetime sex offender registration program for each adult member.
 5. Ability to successfully care for and maintain dwelling units to FWHA housekeeping standards.

c. Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d. Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e. Yes No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists – SBWL will be reviewed during the transition to project based management
- Other (describe)

b. Where may interested persons apply for admission to public housing?

- PHA main administrative office

PHA development site management office

Other (list below)

1. Applications will be available at all site offices, from the FWHA website, by mail and at other community resources offices; however, all applications for public housing must be submitted to the FWHA main administrative office in person or by mail.

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2. Yes No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
If yes, how many lists?

3. Yes No: May families be on more than one list simultaneously?
If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?

- PHA main administrative office
- All PHA development management offices
- Management offices at developments with site-based waiting lists
- At the development to which they would like to apply
- Other (list below)

(3) Assignment

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- One
- Two
- Three or More

b. Yes No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

a. Income targeting:

- Yes No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

- Emergencies
 Overhoused
 Underhoused
 Medical justification
 Administrative reasons determined by the PHA (e.g., to permit modernization work)
 Resident choice: (state circumstances below)
 Other: (list below) See Admissions and Continued Occupancy/Tenant Selection Assignment Plan (ACOP/TSAP).

c. Preferences

1. Yes No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
 Victims of domestic violence
 Substandard housing
 Homelessness
 High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

- Working families and those unable to work because of age or disability
 Veterans and veterans' families
 Residents who live and/or work in the jurisdiction
 Those enrolled currently in educational, training, or upward mobility programs
 Households that contribute to meeting income goals (broad range of incomes)
 Households that contribute to meeting income requirements (targeting)
 Those that graduated from FWHA approved educational, training, or upward mobility programs
 Victims of reprisals or hate crimes
 Other preference(s) (list below)

1. Single Preference – applicants who are elderly or disabled, households of no more than two persons will be given a selection preference over all other single applicants regardless of preference status
2. Chelation Therapy – Households with children undergoing Chelation therapy that are referred by the Allen County Health Dept .

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

1 Date and Time

Former Federal preferences:

- 1 Victims of domestic violence
- 1 High rent burden

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- Residents who live and/or work in the jurisdiction
- Those that graduated from FWHA approved educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

1. Singles preference
2. Children Under going Chelation Therapy with referral

4. Relationship of preferences to income targeting requirements:

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

- The PHA-resident lease
- The PHA's Admissions and (Continued) Occupancy policy
- PHA briefing seminars or written materials
- Other source (list)

1. FWHA website

b. How often must residents notify the PHA of changes in family composition? (select all that apply)

- At an annual reexamination and lease renewal
- Any time family composition changes
- At family request for revision
- Other (list)

(6) Deconcentration and Income Mixing

a. Yes No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b. Yes No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

- Adoption of site based waiting lists
If selected, list targeted developments below:
- Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments
If selected, list targeted developments below:
- Employing new admission preferences at targeted developments
If selected, list targeted developments below:
- Other (list policies and developments targeted below)

d. Yes No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- Additional affirmative marketing
- Actions to improve the marketability of certain developments
- Adoption or adjustment of ceiling rents for certain developments
- Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B.

Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).

(1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)

- Criminal or drug-related activity only to the extent required by law or regulation
- Criminal and drug-related activity, more extensively than required by law or regulation
- More general screening than criminal and drug-related activity (list factors below)
- Other (list below)

1. The FWHA will take into consideration any of the criteria for admission in the Housing Choice Voucher Administrative Plan, but may not otherwise screen for factors that relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicant as to their suitability for tenancy.

b. Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c. Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d. Yes No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

e. Indicate what kinds of information you share with prospective landlords? (select all that apply)

Criminal or drug-related activity

Other (describe below)

1. FWHA will inform owners that it is their responsibility to determine suitability of prospective tenants. Owners are encouraged to screen applicants for rent payment history, eviction history, damages to units, and other factors relating to the family's suitability as a tenant.

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)

None

Federal public housing

Federal moderate rehabilitation

Federal project-based certificate program

Other federal or local program (list below)

1. FWHA Section 8 Program has adopted a separate Project Based Preference List." Preference points are given to an applicant currently living in a unit that is located at a site where a Section 8 Project-Based Housing Assistance Program is implemented by the Owner. **(100 points)**

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)

PHA main administrative office

Other (list below)

1. Applications will be available at all site offices, from the FWHA website, by mail and at other community resources offices; however, all applications for public housing must be submitted to the FWHA main administrative office or the Housing Choice Voucher office either in person or by mail.

(3) Search Time

- a. Yes No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

1. Upon request if family meets extension criteria as defined in the attached Housing Choice Voucher Administrative Plan.

(4) Admissions Preferences

- a. Income targeting

- Yes No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

- b. Preferences

1. Yes No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
 Victims of domestic violence
 Substandard housing
 Homelessness
 High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
 Veterans and veterans' families
 Residents who live and/or work in your jurisdiction
 Those enrolled currently in educational, training, or upward mobility programs
 Households that contribute to meeting income goals (broad range of incomes)
 Households that contribute to meeting income requirements (targeting)
 Those previously enrolled in educational, training, or upward mobility programs
 Victims of reprisals or hate crimes
 Other preference(s) (list below)

1. Chelation Therapy: There will be set a side vouchers Preference given to families with children undergoing [Chelation Therapy for Lead Poisoning](#), which are referred to the Fort Wayne Housing Authority for assistance by the Allen County Health Department.
 2. Disabled Persons: In an effort to better coordinate with the City of Fort Wayne's Consolidated Plan's strategic goals and help meet unmet housing needs by increasing access to affordable housing for person with disabilities (as defined by HUD and outlined in this FWHA Administrative Plan), FWHA will attempt to increase the number of mainstream vouchers.
 3. Public Housing to Homeownership: Vouchers will be set aside to assist Public Housing residents that have been participating in the self-sufficiency program at least one year and who have successfully completed HCVP Homeownership Training. This preference will help increase housing options and long-term family self-sufficiency for Public Housing residents.
3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

Date and Time

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

- Date and time of application
 Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for “residents who live and/or work in the jurisdiction” (select one)

- This preference has previously been reviewed and approved by HUD
 The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

- The PHA applies preferences within income tiers
 Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

- The Section 8 Administrative Plan
 Briefing sessions and written materials
 Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- Through published notices
 Other (list below)

1. In partnership with service provider who specializes in working with special purpose populations.

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies

Describe the PHA’s income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- \$0
 \$1-\$25
 \$26-\$50

2. Yes No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

1. In accordance with ceiling rent and flat rent policies submitted in the Admissions and Continued Occupancy Plan (ACOP)

c. Rents set at less than 30% than adjusted income

1. Yes No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

2. In accordance with ceiling rent and flat rent policies submitted in the Admissions and Continued Occupancy Plan (ACOP)

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

- For the earned income of a previously unemployed household member
 For increases in earned income
 Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

- Fixed percentage (other than general rent-setting policy)
If yes, state percentage/s and circumstances below:

- For household heads
 For other family members
 For transportation expenses
 For the non-reimbursed medical expenses of non-disabled or non-elderly families
 Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income)
(select one)

- Yes for all developments
 Yes but only for some developments
 No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

- For all developments
 For all general occupancy developments (not elderly or disabled or elderly only)
 For specified general occupancy developments
 For certain parts of developments; e.g., the high-rise portion
 For certain size units; e.g., larger bedroom sizes
 Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

- Market comparability study
 Fair market rents (FMR)
 95th percentile rents
 75 percent of operating costs
 100 percent of operating costs for general occupancy (family) developments
 Operating costs plus debt service
 The "rental value" of the unit
 Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

- Never
- At family option
- Any time the family experiences an income increase
- Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
- Other (list below)

See Section 15.6 of ACOP:

1. During interim reexaminations, families will not be required to report any increases in income or decreases in allowable expenses.
2. Families are required to report the following changes:
 - a) A member has been added to the family through birth, or adoption or court awarded custody.
 - b) A household member is leaving or has left the family unit.
1. The family is not required to report a decrease in income but may at any time request an interim for a decrease in income.

g. Yes No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

- The section 8 rent reasonableness study of comparable housing
- Survey of rents listed in local newspaper
- Survey of similar unassisted units in the neighborhood
- Other (list/describe below)

1. Occupancy Policy, page 52. FWHA set a flat rent for each public housing unit considering the size, type, condition, amenities, services and neighborhood of the unit.

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

- At or above 90% but below 100% of FMR
- 100% of FMR
- Above 100% but at or below 110% of FMR
- Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- The PHA has chosen to serve additional families by lowering the payment standard
- Reflects market or submarket
- Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- Reflects market or submarket
- To increase housing options for families
- Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

- Annually
- Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- Success rates of assisted families
- Rent burdens of assisted families
- Other (list below)

1. Affects of deconcentration
2. Comparability study

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)

- \$0
 \$1-\$25
 \$26-\$50

b. Yes No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)
 See HCVP Administrative Policy

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

- An organization chart showing the PHA's management structure and organization is attached.
- A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use "NA" to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	703	180
Section 8 Vouchers	2678	300-500
Section 8 Certificates	N/A	
Section 8 Mod Rehab	N/A	
Special Purpose Section 8 Certificates/Vouchers (list individually)	125 FUP 75 Mainstreaming	5-10 5
Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs(list		

individually)		

C. Management and Maintenance Policies

List the PHA’s public housing management and maintenance policy documents, manuals and handbooks that contain the Agency’s rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

- (1) Public Housing Maintenance and Management: (list below)
 - a. Admissions and Continued Occupancy Policy
 - b. Maintenance Plan

- (2) Section 8 Management: (list below)
 - a. Section 8 Administrative Plan

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

A. Public Housing

1. Yes No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

Fort Wayne Housing Authority is exempt from this section as a High Performer.

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- PHA main administrative office
- PHA development management offices
- Other (list below)

Public Housing Office, 2025 South Anthony Blvd., Fort Wayne, IN

B. Section 8 Tenant-Based Assistance

1. Yes No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing

procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

1. Requirement outlined in Chapter 18 of Section 8 Administrative Plan

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)
 - PHA main administrative office
 - Other (list below)

7. Capital Improvement Needs

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

A. Capital Fund Activities

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

(1) Capital Fund Program Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

Component 7
Capital Fund Program Annual Statement
Parts I, II, and II

CAPITAL FUND PROGRAM TABLES START HERE

Annual Statement/Performance and Evaluation Report					
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350106 Replacement Housing Factor Grant No:			Federal FY of Grant: 2006
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	119,166			
3	1408 Management Improvements Soft Costs	238,332			
	Management Improvements Hard Costs				
4	1410 Administration	119,166			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	25,000			
8	1440 Site Acquisition				
9	1450 Site Improvement	120,000			
10	1460 Dwelling Structures	194,442			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures	78,000			
13	1475 Nondwelling Equipment				

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number Capital Fund Program Grant No: IN36P00350106 Replacement Housing Factor Grant No:	Federal FY of Grant: 2006
--------------------------------------------------	----------------------------------------------------------------------------------------------------------------------	-------------------------------------

Original Annual Statement Reserve for Disasters/ Emergencies Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost	Total Actual Cost
14	1485 Demolition		
15	1490 Replacement Reserve		
16	1492 Moving to Work Demonstration		
17	1495.1 Relocation Costs		
18	1499 Development Activities		
19	1502 Contingency	297,555	
	Amount of Annual Grant: (sum of lines.....)	1,191,661	
	Amount of line XX Related to LBP Activities		
	Amount of line XX Related to Section 504 compliance	18,442	
	Amount of line XX Related to Security –Soft Costs	178,000	
	Amount of Line XX related to Security-- Hard Costs		
	Amount of line XX Related to Energy Conservation Measures		
	Collateralization Expenses or Debt Service	297,555	

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350106 Replacement Housing Factor Grant No:				Federal FY of Grant: 2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost	Status of Work
HA-WIDE	OPERATIONS		1406	10%	119,166			
ADMIN.	SALARIES/BENEFITS		1410	2	119,166			
DEBT SVC.	REPAYMENT		1501	1	297,555			
FEES/COSTS	A/E SERVICES		1430	2	25,000			
MGMT. IMPR.	SECURITY		1408	100%	178,000			
	RESIDENT INITIATIVE		1408	3	35,000			
	COMPUTER SOFTWARE		1408	1	20,332			
	ADMINISTRATIVE TRAINING		1408		5,000			
HA-WIDE	CONCRETE REPAIR		1450	4	100,000			
HA-WIDE	FLOORING		1460	50%	75,000			
	ADA/504 COMPLIANCE		1460		18,442			
IN003-04 MIAMI HOMES	APPLIANCE REPLACEMENT		1460	48	29,500			

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350106 Replacement Housing Factor Grant No:				Federal FY of Grant: 2006			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
IN003-11 MAUMEE TERRACE	APPLIANCE REPLACEMENT		1460	16	11,500				
IN003-05 BEACON HEIGHTS	REPLACEMENT OF TRASH COMPACTOR		1460	1	20,000				
IN003-08 NORTH HIGHLANDS	REPLACEMENT OF TRASH COMPACTOR		1460	1	20,000				
IN003-10 TALL OAKS	REPLACEMENT OF TRASH COMPACTOR		1460	1	20,000				
HA-WIDE	COMPUTER HARDWARE		1475	1	25,000				
	VEHICLE REPLACEMENT		1475	2	50,000				
	COMPUTER HVAC		1475	1	3,000				

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350106 Replacement Housing Factor Grant No:				Federal FY of Grant: 2006	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
OPERATIONS	06/30/08			06/30/10			
ADMINISTRATIVE	06/30/08			06/30/10			
DEBT SVC.	06/30/08			06/30/10			
FEES/COSTS	06/30/08			06/30/10			
HAWIDE	06/30/08			06/30/10			
MIAMI HOMES	06/30/08			06/30/10			
MAUMEE TERRACE	06/30/08			06/30/10			
BEACON HEIGHTS	06/30/08			06/30/10			
NORTH HIGHLANDS	06/30/08			06/30/10			
TALL OAKS	06/30/08			06/30/10			
MGMT. IMPR.	06/30/08			06/30/10			

(2) Optional 5-Year Action Plan

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

a. Yes No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund?
(if no, skip to sub-component 7B)

b. If yes to question a, select one:

The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name

-or-

The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

Table for 5-Year Action Plan for Capital Fund (Component 7)

Complete one table for each development in which work is planned in the next 5 PHA fiscal years. Complete a table for any PHA-wide physical or management improvements planned in the next 5 PHA fiscal year. Copy this table as many times as necessary. Note: PHAs need not include information from Year One of the 5-Year cycle, because this information is included in the Capital Fund Program Annual Statement.

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-04	Miami Homes		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace dumpster pads		6,000	2006
Replace flooring		50,000	2007
Replace HVAC		240,000	2008
Total estimated cost over next 5 years		296,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-05	Beacon Heights		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Landscaping		15,000	2007
Exterior lighting		25,000	2007
Total estimated cost over next 5 years		40,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-06	McCormick Place		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace siding		600,000	2007
Bath renovations		400,000	2008
Kitchen renovations		600,000	2009
Parking lot repairs		25,000	2007
Total estimated cost over next 5 years		1,625,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-07	Brookmill Court		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace windows		400,000	2006
Bath renovations		200,000	2007
HVAC replacement – phase II		250,000	2008
Bath renovations		200,000	2008, 2009
Total estimated cost over next 5 years		1,050,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-08	North Highlands		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Exterior lighting		50,000	2006
Landscaping		15,000	2006
Total estimated cost over next 5 years		65,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-10	Tall Oaks		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Exterior lighting		50,000	2006
Landscaping		30,000	2006, 2007
Total estimated cost over next 5 years		80,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-11	Maumee Terrace		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace flooring		40,000	2006
Appliance replacement		12,800	2006
Replace DHW		6,400	2008
Landscaping		15,000	2008
HVAC replacement		80,000	2009
Total estimated cost over next 5 years		154,200	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-12	Scattered Sites		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace stoops/walks		250,000	2006
Landscaping		100,000	2006
Total estimated cost over next 5 years		350,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-15	River Cove		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace flooring		12,500	2006
Parking lot repair		50,000	2006
Landscaping		50,000	2009
Total estimated cost over next 5 years		112,500	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
HA - Wide			
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Vehicle replacement		100,000	2006, 2007, 2008,
Security		526,561	2009
Administrative training		60,000	2006, 2007, 2008,
Maintenance training		40,000	2009
Resident Initiative Program		100,000	2006, 2007, 2008,
Computer software		80,000	2009
Computer hardware		80,000	2006, 2007, 2008,
A/E services		200,000	2009
			2006, 2007, 2008,
			2009
			2006, 2007, 2008,
			2009
Total estimated cost over next 5 years		1,186,561	

Optional Public Housing Asset Management Table

See Technical Guidance for instructions on the use of this table, including information to be provided.

Public Housing Asset Management								
Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>

B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

- Yes No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
- b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

1. Development name:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)
 - Revitalization Plan under development
 - Revitalization Plan submitted, pending approval
 - Revitalization Plan approved
 - Activities pursuant to an approved Revitalization Plan underway

- Yes No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name/s below:

- Yes No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?
If yes, list developments or activities below:

- Yes No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?

If yes, list developments or activities below:
PHA will be utilizing RHF funds per submitted RHF Plan.

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. Yes No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

Yes No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

Demolition/Disposition Activity Description
1a. Development name: FWHA Administration Building and the Fire House Building 1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <u>(15/05/05)</u>
5. Number of units affected: 6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development: Fire House-Tall Oaks ACC: Admin Bldg-McCormick ACC <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: Q1-2005 b. Projected end date of activity: Q1-2007

Demolition/Disposition Activity Description
1a. Development name: Scattered Sites 1b. Development (project) number: IN003-12
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <u>(12/31/06)</u>
5. Number of units affected: 50

6. Coverage of action (select one) <input type="checkbox"/> Part of the development: <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: Q3 - 2006 b. Projected end date of activity: Q4 - 2008

9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1. Yes No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

Designation of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. Designation type: Occupancy by only the elderly <input type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>
3. Application status (select one) Approved; included in the PHA’s Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>

4. Date this designation approved, submitted, or planned for submission: <u>(DD/MM/YY)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act

1. Yes No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 11. If "No", complete the Activity Description table below.

Conversion of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. What is the status of the required assessment? <input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)

4. Status of Conversion Plan (select the statement that best describes the current status)

Conversion Plan in development

Conversion Plan submitted to HUD on: (DD/MM/YYYY)

Conversion Plan approved by HUD on: (DD/MM/YYYY)

Activities pursuant to HUD-approved Conversion Plan underway

5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)

Units addressed in a pending or approved demolition application (date submitted or approved: _____)

Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____)

Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____)

Requirements no longer applicable: vacancy rates are less than 10 percent

Requirements no longer applicable: site now has less than 300 units

Other: (describe below)

B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937

C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

1. Yes No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing**

PHA status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 12. If “No”, complete the Activity Description table below.)

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

B. Section 8 Tenant Based Assistance

1. Yes No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If “No”, skip to component 12; if “yes”, describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:

a. Size of Program

Yes No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
 26 - 50 participants
 51 to 100 participants
 more than 100 participants

b. PHA-established eligibility criteria

Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

1. Participation in the Housing Choice Voucher FSS Program
2. Participation in a HUD approved Homeownership Counseling Program

12. PHA Community Service and Self-Sufficiency Programs

[24 CFR Part 903.7 9 (1)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

Yes No: Has the PHA entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? 04/30/01

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- Client referrals
 Information sharing regarding mutual clients (for rent determinations and otherwise)
 Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
 Jointly administer programs
 Partner to administer a HUD Welfare-to-Work voucher program
 Joint administration of other demonstration program
 Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- Public housing rent determination policies
- Public housing admissions policies
- Section 8 admissions policies
- Preference in admission to section 8 for certain public housing families
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation
- Other policies (list below)

b. Economic and Social self-sufficiency programs

- Yes No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use.)

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
Boys & Girls Club at McCormick Apartments	60	Open to all	McCormick Club	Public Housing
Boys & Girls Club at Brookmill Apartments	60	Open to all	Brookmill Club	Public Housing
All God’s Children Daycare	49	Open to all	McCormick Daycare	Public Housing
Lifeline (Brookmill, Childcare)	20	Open to all	Brookmill Pre-school	Public Housing
Youth Guidance (Brookmill) 12 month drug avoidance program for teens	30-40	Open to all	Primetime/Bethlehem Lutheran Center	Public Housing

Public Housing Intern Program	0-10	Open to all Adults	Public Housing Office	Public Housing
Job Works Intern Program	2-3	Job Works Clients	Job Works Office	Public Housing
Project Impact Social Services	40	Open to all	Site Offices	Public Housing
Pending Adequate Budget Auth.				

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2005 Estimate)	Actual Number of Participants (As of: 07/01/06)
Public Housing	25	9
Section 8	346	346

- b. Yes No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?
If no, list steps the PHA will take below:

C. Welfare Benefit Reductions

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937

Section 432 of FY2002 VA-HUD Appropriations Act suspended implementation of community service during federal FY 2002, except for developments assisted under the HOPE VI program. The suspension has expired requiring FWHA to reinstitute the QHWRA mandated Community Service requirements.

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

A. Need for measures to ensure the safety of public housing residents

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

- High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- Residents fearful for their safety and/or the safety of their children
- Observed lower-level crime, vandalism and/or graffiti
- People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- Other (describe below)
 - a. Need to maintain security to keep FWHA crime statistics at levels that will allow our properties to compete in the Southeast Quadrant of Fort Wayne.
 - b. Need to continue screening the criminal history on housing applicants.

2. What information or data did the PHA used to determine the need for PHA actions to improve safety of residents (select all that apply).

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed “in and around” public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)

- a. Internal Incident Reporting System – Reviewed, tracked, maintained by Technical Services Director; shared with management, police and security.
- b. Refined criteria for eviction process.
- c. NO TRESPASS ORDER database – Reported by security, police, and managers; maintained by Public Housing Administrator; distributed to police security, staff and residents.
- d. Proactive attempts and reports to prevent/arrest criminal activity; especially drug abuse in targeted units.

3. Which developments are most affected? (list below)

- a. McCormick
- b. Brookmill

B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year

1. List the crime prevention activities the PHA has undertaken or plans to undertake: (select all that apply)

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- Crime Prevention Through Environmental Design
- Activities targeted to at-risk youth, adults, or seniors
- Volunteer Resident Patrol/Block Watchers Program
- Other (describe below)
 - a. Crime Mapping
 - b. Regular meetings with service providers to improve drug prevention programs
 - c. Regular meetings with residents to address safety/crime/drug concerns.
 - d. Regular meetings with security guards to improve security measures.
 - e. Family site Pot Luck dinners to build a sense of community, trust and commitment toward crime and drug prevention.
 - f. Monthly on-site assessment of service providers' drug prevention programs
 - g. Service providers' Activity Report database of drug prevention activities entered/maintained/analyzed by Technical Services Coordinator.
 - h. Summer Sports Program as a team building, drug prevention activity.
 - i. Safety surveys distributed to residents to monitor and improve program effectiveness.
 - j. Domestic Violence Packets given to residents experiencing battery or other domestic violence.
 - l. Drug prevention resources purchased/maintained/shared with service providers.

2. Which developments are most affected? (list below)
- a. McCormick
 - b. Brookmill

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- Police provide crime data to housing authority staff for analysis and action
- Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- Police regularly testify in and otherwise support eviction cases
- Police regularly meet with the PHA management and residents
- Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- Other activities (list below)
 - a. Off-Duty Police Officers provide additional protection and prompt response to criminal activity on Public Housing Sites
 - b. Availability of police reports and criminal activity involvement of applicants, residents and visitors to public housing sites.
 - c. Advise police of suspicious activity and unwanted persons, especially those with warrants.
 - d. Send NO TRESPASS lists and vacancy lists regularly to police and security patrol.

2. Which developments are most affected? (list below)
- a. McCormick
 - b. Brookmill

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2005 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes No: Has the PHA included the PHDEP Plan for FY 2005 in this PHA Plan?
- Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

See Attachment D

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

1. Yes No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?
(If no, skip to component 17.)
2. Yes No: Was the most recent fiscal audit submitted to HUD?
3. Yes No: Were there any findings as the result of that audit?
4. Yes No: If there were any findings, do any remain unresolved?
If yes, how many unresolved findings remain? _____
5. Yes No: Have responses to any unresolved findings been submitted to HUD?
If not, when are they due (state below)?

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

1. Yes No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
 - Not applicable
 - Private management
 - Development-based accounting

Comprehensive stock assessment

Other: (list below)

Maintain and update FWHA Information Technology systems to meet HUD technology and efficient property and program management requirements.

3. Yes No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

1. Yes No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)

Attached at Attachment (Attachment I)

Provided below:

3. In what manner did the PHA address those comments? (select all that apply)

Considered comments, but determined that no changes to the PHA Plan were necessary.

The PHA changed portions of the PHA Plan in response to comments
List changes below:

Other: (list below)

B. Description of Election process for Residents on the PHA Board

1. Yes No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)

2. Yes No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot: (select all that apply)

Candidates were nominated by resident and assisted family organizations

- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe)

b. Eligible candidates: (select one)

- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

- All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other (list)

C. Statement of Consistency with the Consolidated Plan

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: City of Fort Wayne, Indiana
2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)

The following needs are identified in Part 6, Housing Needs of the Consolidated Plan:

- a. Housing Affordability: The public and private sectors must work together to insure that fair, safe and sanitary housing, whether old or new is affordable for all residents
- b. Rental Conversions: The public and private sectors must work together to decrease the number of livable singlefamily units that are converted to multi family use in Fort Wayne

- c. Condition of Rental Properties: The public and private sectors must work together to insure that existing rental properties are safe, decent and affordable to all
- d. Housing Creation: The public and private sectors must work together to create decent and affordable housing, whether old or new, in all areas of Fort Wayne
- e. Resident Integration: The public and private sectors must work together to discourage segregation and to insure equal housing opportunities throughout the city for all populations
- f. Code Enforcement: When necessary, the public and private sector must work together to address unsafe and unsanitary conditions in a fair, timely and efficient manner

1. FWHA is pursuing city and community partnerships to address our jurisdiction's affordable housing needs. While we cannot ourselves meet the entire need identified here, in accordance with our goals included in this plan, we are trying to address some of the identified needs by using appropriate resources to maintain and preserve our existing stock. When appropriate and feasible, we will apply for additional grants and loans from Federal, state and local sources, including private sources to help add to the affordable housing available in our community. We intend to work with local partner to try to meet these identified needs.

Other: (list below)

- 4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments:

- a. Partnership to revitalize central areas of the City with rehabilitation of existing housing, development of new affordable housing and opportunities for homeownership
- b. Comprehensive Housing Counseling Programs, including pre-purchase counseling, foreclosure prevention and reverse mortgages for the elderly/disabled

D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

Definition of Substantial Deviation and Significant Amendment or Modification: Definition

A change that constitutes a material change in policy or implementation may constitute a substantial deviation and/or a significant amendment or modification, unless such change is the resulting factor of a HUD regulatory change.

Attachments

Use this section to provide any additional attachments referenced in the Plans.

Attachment A

FWHA Statement of Progress in Meeting the 5-Year Plan Mission and Goals During 2006

The following table reflects the progress we have made in achieving our goals and objectives:

Goal One: The Fort Wayne Housing Authority shall maintain its status as a high performing housing authority under PHAS and achieve it under SEMAP.	
Objective	Progress
Educate the staff on the requirements of PHAS and SEMAP.	2006 – conducted all staff training for HCVP staff and PHM training for PH Managers - Continued series of sessions at staff meetings and by off-site training.
Adopt operational policies and procedures necessary to achieve the goal.	Our policies and procedures manuals are being developed. TCD Q2-2007. A CAP was sent to HUD regarding Section 8.
Incorporate PHAS and SEMAP standards into employee performance evaluations.	In progress to the degree allowed.
Provide the media with at least 4 positive stories about PHA a year and have a PHA leader speak to at least 2 public groups each year.	Accomplished.

Goal Two: The Fort Wayne Housing Authority shall improve its collaborations with its community agency partners in order to assist our residents and those in need of housing assistance.	
Objective	Progress
Increase the usage of interagency meetings and roundtables with our partners.	Done.
Streamline the process our partners need to utilize to effectively work with PHA.	Creating the Point of Contact directory for Section 8 program. A director of caseworkers was placed on the website.
Create a PHA agency "point of contact" to provide better service and a more timely response to our partners and the people we service.	In progress, TCD Q3- 2007
With the help of our agency partners, the FWHA will streamline the HCVP process.	Hired additional processing people and revised the application process and forms. Customer Service and Landlord outreach programs are being planned for 2007.

Goal Three: Provide 200 additional affordable housing opportunities for the people we serve.	
Objective	Progress
Investigate possible HUD funding opportunity and apply for funding that is appropriate.	We are constantly searching for additional opportunities.
Encourage development partners and mixed financing opportunities.	We have assisted other development activities and we have established a joint venture partnership with Keller Development for this purpose.
Work with city government to create more affordable rental housing.	We continue to work very closely with the City especially as it relates to the City Comprehensive Plan and the Housing Strategy.
Goal: Expand the supply of assisted housing	FWHA made progress toward the above stated goal by:

	<ul style="list-style-type: none"> ✓ High Performing Agency with progressively improving scores for the last 5 years. ✓ Secured Tax Credits to develop 52 new affordable, senior-housing units.
Goal: Improve the quality of assisted housing	<ul style="list-style-type: none"> ✓ Used CFP Housing Revenue Bonds accelerated 10 year capital improvement plans ✓ Used CFP funds to reduce the incident of crime and crime related activities on all properties to levels below city wide averages. ✓ Provided HCV landlords information regarding program usage, HQS and compliance. ✓ Implementation of new software to improve program integrity and delivery. ✓ Renovated family properties adding curb appeal program. Improve the quality of assisted housing appeal by adding site improvements, such as air conditioning, windows, doors and siding. ✓ Referral of participants to Credit Enhancement Counseling Services.
Goal: Increase assisted housing choices	<ul style="list-style-type: none"> ✓ Conducted study of location of vouchers in the jurisdiction by City quadrants and census tracts to assist in deconcentration efforts. ✓ Participated in Senior Housing Fair, Joined City Housing "Cabinet" to expand housing choices under the City Housing Strategy ✓ Under homeownership program, placed 13 loans for program participants ✓ Project-Based vouchers available for Cottages at McMillen Park Apartments.
Goal: Improve community quality of life and economic vitality	<p>FWHA made progress toward the above stated goal by:</p> <ul style="list-style-type: none"> ✓ Using CFP funded Community Policing and CPTED principles, reduce FWHA property crime levels below community-wide rates. ✓ FWHA continues to explore the designated development option in the new 5 year plan
Goal: Promote self-sufficiency and asset development of families and individuals	<p>FWHA made progress toward the above stated goal by:</p> <ul style="list-style-type: none"> ✓ Resident Services ✓ Public Housing Self-Sufficiency Program ✓ Housing Choice Voucher Family Self-Sufficiency Program ✓ Comprehensive Counseling Program
Goal: Ensure Equal Opportunity in Housing for all Americans	<p>FWHA made progress toward the above stated goal by:</p> <ul style="list-style-type: none"> ✓ All staff trained in Fair Housing principles ✓ Reviewed and updated the use of the Fair Housing logo on print materials ✓ Outreach marketing to families less likely to apply to program: Immigrants & Disabled. ✓ Developed new 504 Policy
Increase Home Ownership by 4 units in 2004	<p><u>Section 8 Homeownership</u> Our 2006 goal is to increase our homeownership program to a minimum of 5 homes sold per year with an upward target of 10. FWHA has</p>

	established a maximum program size of 100.
--	--------------------------------------------

Attachment B

Deconcentration and Income Mixing

RESOLUTION 2002-13

Resolution Exempting the Housing Authority of the City of Fort Wayne from the Deconcentration Provisions Affecting the FWHA Agency Plan

WHEREAS, the Housing Authority of the City of Fort Wayne Indiana operates a Public Housing Authority established in 1938 and funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, HUD published a proposed amendment to the definition of "Established Income Range" in the Final Rule at (24 CFR 903) in the Federal Register on August 15, 2001; and

WHEREAS, that amendment eliminates the need for PHAs to move lower income families into developments with average income that is already at or below 30% of area median income; and

WHEREAS, the Housing Authority of the City of Fort Wayne, Indiana has conducted an analysis of the average incomes of all of its general occupancy (family) public housing developments with 100 or more units and determined that the average income is at or below 30% of area median income; and

WHEREAS, income mixing would not promote deconcentration of poverty in any Fort Wayne Housing Authority covered development; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Fort Wayne Housing Authority hereby approves the Exemption to the Deconcentration Rule affecting the Fort Wayne Housing Authority Agency Plan.

Attachment C

Community Service



Fort Wayne Housing Authority

Community Service Requirement Procedure

1.0 Background

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) adult public housing residents (18 – 62) contribute 8 hours per month of community service (volunteer work) or participate in 8 hours per month of economic self sufficiency activity, defined to include education, training, counseling, classes or some other activities that help an individual toward self-sufficiency and economic independence. A combination of community service and self-sufficiency program participation totaling 8 hours per month is allowed. [**24 CFR 960.601**]. This requirement will also be a part of the residential lease signed with all public housing residents of the Fort Wayne Housing Authority (“FWHA”).

The FWHA requires public housing residents to verify compliance annually with their development manager, at least thirty (30) days before the expiration of the lease term. Self-certification by residents is not acceptable; third party verification must be provided by the entity with which the resident is performing the community service or training.

The provisions of the policy are not intended to be 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.

Under the provision of the law, noncompliance with the community service and self-sufficiency requirement is a lease violation and is grounds for non-renewal of the lease at the end of a 12-month lease term, but not for termination of tenancy during the course of the 12-month term. The non-renewal of the lease will result in the issuance of a 30-day notice to vacate. Upon the issuance of the notice, the FWHA will move to evict the non-compliant household.

2.0 Definitions

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; may not be employment or political activities.

§ 24 CFR 960.601(b)

Exempt Adult--A household member under the age of 18 or over 62 or any age household member who meets one or more of the exemptions listed in Section 2.3 of this policy and provides adequate documentation to property management to qualify for exemption from community service.

Non-exempt Adult-- A household member between the ages of 18 and 60 who does not qualify for any exemption listed in Section 2.3 of this policy and is required to contribute eight (8) hours per month of community service.

Service Requirement--the obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program required in accordance with **§ 960.603. § 24 CFR 960.601(b)**

2.1 Community Service - volunteer service that includes, but is not limited to:

- Unpaid service at a local community institution such as a school, church (other than religious activities), hospital, clinic, recreation center, senior center, service organization,

- homeless shelter, hospice, meals program, public nursing home, disability advocacy organization, adult day care center, or child care center;
- Unpaid service with youth or senior organizations, including Boy and Girl Scouts, *Boys and Girls Clubs, Lifeline Youth and Family Services, The Fair Group Counseling Services, Meals on Wheels, etc.*;
 - Unpaid service at FWHA to help improve physical conditions including building clean-ups, neighborhood clean-ups, gardening, and non-paid time spent on caretaker duties; *
 - Unpaid service at FWHA with children's programs or youth sporting events *
 - Service at FWHA to help with senior programs; *
 - Helping neighborhood groups with special projects;
 - Working with the Resident Councils, The Resident Advisory Board, Housing Residential Presidents, Inc.;
 - Assisting in a literacy, self esteem program, or before or after school youth program;
 - Assisting in alcohol and drug prevention programs;
 - Other volunteer service with non-profits, for example, 501(c) 3 organizations providing community service programs; and
 - Any other "community service," which includes 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." **24 C.F.R. §960.601(b).**

***Community service or self-sufficiency activities performed by residents must not be substituted for work ordinarily performed by FWHA employees, or replace a paid job at any location where residents perform activities to satisfy the service requirement (24 CFR 960.609).**

NOTE: Political activity is excluded. This exclusion includes but is not limited to voter registration; campaign work; and poll worker assignments.

2.2 Self-Sufficiency Activities - activities include, but are not limited to:

- Pre/Post Occupancy Counseling
- Apprenticeships
- Delinquent Rental Counseling
- Household management, employment counseling, work placement programs required by the Department of Public Assistance
- Resident Opportunity and Self-Sufficiency Programs (ROSS)
- Job training programs
- College or university
- GED classes
- Substance abuse or mental health counseling
- English proficiency or literacy (reading) classes
- Budgeting and credit counseling
- Homeownership educational programs or seminars (offered by FWHA and other community organizations)
- Activities in any other "economic self-sufficiency program" which included "any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship or other activities as the Secretary may provide".

2.3 Exempt Adult (24 CFR 960.601) The following adult individuals, age 18 or older, of a household are exempt from this requirement if the individual:

1. Is 62 years of age or older;
2. Is a blind or disabled individual;
 - a. Is receiving Supplemental Security Income (SSI) disability benefits;
 - b. Is receiving Social Security Disability Insurance (SSDI) disability benefits;
 - c. Is receiving P3 Transitional Assistance Disability benefits (individual has applied for SSI disability benefits and has been found by Indiana Department of Human Services to meet the SSI disability standards);
 - d. Is receiving Aid for Aged, Blind, or Disabled (AABD) benefits; or
 - e. Is not receiving any benefits but is able to submit documentation from a medical provider that his or her blindness or disability, as defined by the Social Security Act, prevents them from meeting the community or economic self-sufficiency requirement.
3. Is the primary caretaker of a blind or disabled person described in exemption 2, above;
4. Is temporarily or chronically ill and is able to submit documentation from their medical provider;
5. Is required to give full-time care to another unit member due to that member's medical condition;
6. Is a student of any age enrolled at least part-time in any recognized school, training program, or school of higher education. Students remain exempt during school vacations unless they graduate, are expelled or suspended, drop out, or do not plan on registering for the next term (excluding summer school);
7. Is participating in working activities¹ for at least 10 hours per week.
Work activities include:
 - a. unsubsidized employment;
 - b. subsidized private sector employment;
 - c. subsidized public sector employment;
 - d. work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - e. on-the-job training;
 - f. job search and job readiness assistance for up to six weeks; (No more than four weeks may be consecutive);
 - g. community service programs;
 - h. vocational educational training (not to exceed 12 months with respect to any individual);
 - i. job skills training directly related to employment;
 - j. education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - k. satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate; and
 - l. the provision of childcare services to an individual who is participating in a community service program.
8. Is responsible for the care of a child under age one (1); or
9. Is a member of a family receiving assistance, benefits or services under a State welfare program with a work requirement and the family member is in compliance with all program requirements.

Examples of programs:

Temporary Assistance to Needy Families (TANF)

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form HUD 50075 (03/2003)

State Family and Children Assistance
Aid For Aged, Blind or Disabled (AABD)

10. Is receiving unemployment insurance benefits.

Each exempt adult member of the household must sign a Community Service Exemption Certification at each annual recertification or if they become an "exempt adult" at any time between recertifications.

3.0 Requirements of the Program

3.1 The service requirement may be either volunteer community service, self-sufficiency program activity, or a combination of the two.

3.2 At least eight (8) hours of activity must be performed each month. A resident is allowed to perform less than eight (8) hours a month if the resident can document a total of ninety-six (96) hours of community service prior to renewal of the lease. Failure to perform a total of 96 hours prior to recertification is a violation of the service requirement and may result in termination of the Lease.

4.0 Family obligations

4.1 At the time of recertification, all public housing household adult members (18 years of age or older) must:

- Receive a written description of the community service requirement, information on the process for verifying exemption status and the affect on their tenancy as a result of noncompliance included in their notice of recertification appointment;
- Receive certification forms for every adult household member regarding their status to participate in or to be exempt from the community service requirement and submit completed verification within 10 calendar days of their recertification appointment;
- Receive the monthly record and certification form for each non-exempt adult household member in their notice of recertification appointment; and
- If a household member submits insufficient documentation within the time allotted, the FWHA or its designee will provide the household written notice of such deficiency and receive an additional five days from the date of notice to submit the requisite verification.

4.2 At each annual or monthly recertification, each non-exempt adult household member must present their completed monthly record and certification form (blank form to be provided by FWHA's property management) of activities performed over the previous twelve (12) months. Each non-exempt adult household member is also entitled to submit monthly documentation with the household rent payment. These forms will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.

4.3 If a family member is found to be noncompliant at recertification, he/she and the head of household will sign an agreement with FWHA to make up the deficient hours over the next 12-month period. The entire household will be allowed to enter such an agreement only once during the household's entire tenancy.

4.4 If, during the 12-month period, a non-exempt person becomes exempt, it is his or her responsibility to report this to the property management office and provide documentation within ten (10) calendar days of the occurrence.

4.5 If, during the 12-month period, an exempt person becomes non-exempt, it is his or her responsibility to report this to the property management office within 10 calendar days. The FWHA or its designee will provide the person with a list of agencies in the community that provide volunteer and or training opportunities.

4.6 Each household member must supply the FWHA with accurate written information regarding exemption status. Failure to supply such information and/or misrepresentation of information is a serious violation of the terms of the Lease and may result in termination of the Lease.

5.0 FWHA's Obligations

To the greatest extent possible and practicable:

5.1 The FWHA or its designee will provide names and contacts at agencies that can provide opportunities for residents to fulfill their Community Service obligations.

5.2 The FWHA or its designee will provide the household a written description of the service requirement, the process for claiming status as an exempt person and for FWHA verification of such status in the notice of recertification appointment. The FWHA will also provide the family with: Community Service Exemption Certification Form.

5.3 The Property Manager will make the final determination as to whether or not a household member is exempt from the Community Service requirement. The Property Manager must provide the household with written notification that identifies the family members who are subject to the service requirements and the family members who are exempt. Residents may use the FWHA Grievance Procedure if they disagree with Property Manager's determination of exemption status. The following provides a brief description of the FWHA grievance procedures:

A. A grievable offense as defined by the FWHA Grievance Procedures is any determination that:

(1) Adversely affects a Resident's rights, duties, welfare or status and

(2) Results from FWHA action or failure to act in accordance with the Lease, or FWHA policies and procedures.

B. In the case of a proposed adverse action other than a proposed Lease termination, the FWHA shall not take the proposed action until the time for the Resident to request a grievance hearing has expired, and if a hearing was timely requested by the Resident, the grievance process has been completed.

C. Residents shall file their grievance either orally or in writing with the Management Office.

5.4 For each non-exempt adult member, FWHA shall, at least, 30 days before the expiration of each lease term of the family, review and determine the compliance of the resident with the community service requirement.

5.5 The Property Manager has the authority to enforce compliance of the service requirement by all non-exempt adult household members. Failure of any family member to complete the community service requirement amounts to noncompliance with the terms of the residential lease. If FWHA determines that a resident subject to this requirement has not complied, FWHA shall notify the resident

(1) of the determination of noncompliance, including a description of the noncompliance [24 C.F.R. §960.607(b)(2)(i)];

(2) that the determination of noncompliance is subject to the grievance procedures and that the resident may exercise any available judicial remedies to seek timely redress for the FWHA's non-renewal of the lease because of such determination.

(3) that the household's lease will not be renewed at the end of the twelve month lease term unless:

a) the household member, and any other noncompliant resident, enters into a written agreement with the FWHA to cure any 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 (the household is entitled to this remedy only once during their tenancy); or

b) the family provides written assurance satisfactory to the FWHA that the tenant or other noncompliant resident no longer resides in the unit.

- If the family member wishes to comply, the Property Manager will enter into an agreement with the non-compliant member and the leaseholder for the noncompliant member to make up the deficient hours over the next twelve (12) month period. The resident or household member is allowed to enter into this agreement once during the household's entire tenancy.

- If, at the next annual recertification or during the interim time, the family member still is not compliant with the agreement, the lease will not be renewed and the entire family would be issued a 30-day vacate notice by the Property Manager, unless the non-compliant member agrees to move out of the unit and a new lease is signed with the family, amending its composition accordingly.

- The family may use the Grievance Procedure to appeal the lease termination, after attending a private conference with the Property Manager or other representative of FWHA.

- All determinations shall be made in accordance with the principles of due process and on a nondiscriminatory basis. [42 U.S.C.A. §1437j(c)(3)(B)].

6.0 Community Service Reporting to HUD

The FWHA must include information and compliance with the community service/ economic self-sufficiency program with the submission of the Agency Plan to HUD (24 CFR 903.7). In addition, the reporting on each public housing resident's status is included in the submission of HUD form 50058. The status is completed during the annual recertification process.

Current status listings on the HUD form 50058 Section 3q-Meeting the community service requirement includes:

- Yes
- No
- Pending
- Exception



Exhibit I

FWHA - COMMUNITY SERVICE EXEMPTION CERTIFICATION

I certify that I am eligible for an exemption from the Community Service requirement for the following reason:

- _____ I am 62 or older
- _____ I am blind or disabled, and as a result I cannot comply with the community service requirements. I can verify my disability by (circle below):
 1. My receipt of SSI or SSDI benefits
 2. My receipt of Transitional Assistance Disability benefits
 3. My receipt of Aid for Aged, Blind, or Disabled benefits
 4. My receipt of worker's compensation for my disability with documentation provided by a medical provider
 5. Providing documentation of medical assistance or interim SSDI benefits, or
 6. Receiving no benefits but am able to submit documentation from a medical provider that my blindness or disability, as defined by the Social Security Act, prevents me from meeting the community or economically self sufficiency requirement
- _____ I am the primary caretaker of a (temporarily or permanently) blind or disabled person who meets the disability definition as described above, and I can submit verification
- _____ I am temporarily or chronically ill and am able to submit documentation from a medical provider
- _____ I am responsible for the full time care of a child under age one (1).
- _____ I am a student enrolled part or full time in a recognized school, training program, or school of higher education
- _____ I am working at least 30 hours per week
- _____ I am receiving unemployment insurance payments
- _____ I am a participant of a State welfare program and am in compliance with all economic sufficiency or work activity requirements or am exempt from program requirements (provide verification)
- _____ A member of my household is receiving assistance, benefits or services under State welfare program with a work requirement and the family member is in compliance with all program requirements

*

Resident Signature Date

FWHA Signature Date

**This Certification must be signed by each exempt adult household member*



Exhibit 2

AGREEMENT OF COMPLIANCE

COMMUNITY SERVICE/SELF SUFFICIENCY REQUIREMENT

In accordance with the provisions of FWHA's Community Service/Self Sufficiency policy:

I, _____(name)
agree to complete all deficient service hours over the next 12-month period.
The number of deficient service hours for the last lease year are _____and will be
completed in addition to the 8 hours/month requirement for this year, by
_____.

I also understand that FWHA may issue a 30-day notice of termination of the lease agreement if
the service hour requirements of the lease are not brought into compliance by the above date.
I/we understand what volunteer work qualifies as community service and what types of programs
qualify as self-sufficiency participations.

*

Resident Signature

Date

FWHA Signature

Date

**This Certification must be signed by each non-exempt adult household member*

Exhibit 3

Community Service Documentation Form

Name of Tenant _____

Name of Agency or Organization _____

Location/Site of Service _____

Date/s of Community Service _____

Number of Hours Worked _____

Name of Person Verifying Hours _____

Telephone Number _____

Thank you for taking the time to complete this form

Exhibit 4

NOTICE of NON-COMPLIANCE COMMUNITY SERVICE/SELF-SUFFICIENCY REQUIREMENT

Date: -----

Address: _____

Dear _____:

Please be advised that FWHA has not received verification or evidence of completion of the 96 hours of community service for the following adult members of your listed family:

All non-exempt adult members of the family must complete the community service hours as a part of the annual recertification process. If you feel one or more of the above listed family members may be eligible for an exemption, please provide immediate verification to your management office.

If you or a family member must fulfill the requirement and failed to provide the verification, then this action can be corrected by providing the verification immediately to the management office. If you or a family member must fulfill the requirement and have failed to perform 8 hours of community service/self sufficiency per month, then this action can be corrected by bringing your requirement current this year. You may be eligible to enter into an agreement to complete deficient

service hours. In the event service hours have not been completed for all non-exempt adult members, your lease will not be renewed. If your lease is not renewed, you will be issued a 30-day notice to vacate. In accordance with community service policy, you may request a grievance for disputes arising under noncompliance with the community service requirements. You must file a grievance in your management office. Your cooperation in this matter is needed to assist in preserving your housing opportunity.

Sincerely,

Property Manager

Exhibit 5

**COMMUNITY SERVICE EXCEPTION
CARETAKER VERIFICATION**

I, _____, certify that I am the primary caretaker for

_____.

Signature Date

FWHA Address

I certify that _____ is my primary caretaker.

I certify that I receive:

Supplemental Security Income (SSI) disability benefits;

Social Security Disability Insurance (SSDI) disability benefits;

P3 Transitional Assistance Disability benefits (individual has applied for SSI disability benefits and has been found by IDHS to meet the SSI disability standards);

Aid for Aged, Blind, or Disabled (AABD) benefits; or

No benefits but am able to submit documentation from a medical provider that my blindness or disability, as defined by the Social Security Act, prevents me from meeting the community or economic self-sufficiency requirement.

Because of such disability, I cannot perform voluntary work or duties that are a public benefit, and serve to improve the quality of life, enhance resident self-sufficiency or increase resident self-responsibility in the community.

Signature/ Date

Address

Attachment D

Pet Policy



FWHA PET POLICY

The purpose of this policy is to establish the PHA's policy and procedures for ownership of pets in elderly and disabled units and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities.

Pet rules will not be applied to animals that assist persons with disabilities.

To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household;
- That the animal has been trained to assist with the specified disability

MANAGEMENT APPROVAL OF PETS

All pets must be approved in advance by the PHA management.

The pet owner must submit and enter into a Pet Agreement with the PHA.

Registration of Pets

Pets must be registered with the PHA before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, and that the pet has no communicable disease(s) and is pest-free.

Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 30 days prior to annual reexamination.

Dogs and cats must be spayed or neutered.

Execution of a Pet Agreement with the PHA stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.

Registration must be renewed and will be coordinated with the annual recertification date.

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Refusal To Register Pets

The PHA may not refuse to register a pet based on the determination that the pet owner is financially unable to care for the pet. If the PHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The PHA will refuse to register a pet if:

- The pet is not a *common household pet* as defined in this policy;
- Keeping the pet would violate any House Pet Rules;
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually; or,
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

The notice of refusal may be combined with a notice of a pet violation. A resident who cares for another resident's pet must notify the PHA and agree to abide by all of the pet rules in writing.

STANDARDS FOR PETS

If an approved pet gives birth to a litter, the resident must remove all pets from the premises except one.

Pet rules will not be applied to animals that assist persons with disabilities.

Persons With Disabilities

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities.

To be excluded from the pet policy, the resident/pet owner must certify:

- * That there is a person with disabilities in the household;
 - * That the animal has been trained to assist with the specified disability;
- and
- * That the animal actually assists the person with the disability.

Types of Pets Allowed

No types of pets other than the following may be kept by a resident.

* Tenants are not permitted to have more than one *type* of pet.

1. **Dogs**

- ❖ Maximum number: One
- ❖ Maximum adult weight: 25 pounds
- ❖ Must be housebroken
- ❖ Must be spayed or neutered
- ❖ Must have all required inoculations
- ❖ Must be licensed as specified now or in the future by State law and local ordinance

2. **Cats**

- ❖ Maximum number (one)
- ❖ Must be spayed or neutered
- ❖ Must have all required inoculations
- ❖ Must be trained to use a litter box or other waste receptacle
- ❖ Must be licensed as specified now or in the future by State law or local ordinance

3. **Birds**

- ❖ Maximum number : 2
- ❖ Must be enclosed in a cage at all times

4. **Fish**

- ❖ Maximum aquarium size 10 gallons
- ❖ Must be maintained on an approved stand

5. **Rodents (Rabbit , guinea pig, hamster, or gerbil ONLY)**

- ❖ Maximum number: 2
- ❖ Must be enclosed in an acceptable cage at all times
- ❖ Must have any or all inoculations as specified now or in the future by State law or local ordinance

6. **Turtles**

- ❖ Maximum number: 2
- ❖ Must be enclosed in an acceptable cage or container at all times.

PETS TEMPORARILY ON THE PREMISES

Pets which are not owned by a tenant will not be allowed.
Residents are prohibited from feeding or harboring stray animals.

This rule excludes visiting pet programs sponsored by a humane society or other non-profit organization and approved by the PHA.

* State or local laws governing pets temporarily in dwelling accommodations shall prevail.

ADDITIONAL FEES AND DEPOSITS FOR PETS

Tenants with animals must pay a pet deposit.

The resident/pet owner shall be required to pay a refundable deposit for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat.

An initial payment of \$200.00 on or prior to the date the pet is properly registered and brought into the apartment, this amount may be paid in installments of not less than \$25, however the total \$200 deposit must be paid before the pet can be registered and brought into the unit and;

- ❖ The PHA reserves the right to change or increase the required deposit by amendment to these rules.
- ❖ The PHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.
- ❖ The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.
- ❖ The PHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.
- ❖ All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:
 - ❖ The cost of repairs and replacements to the resident's dwelling unit;
 - ❖ Fumigation of the dwelling unit;
 - ❖ Common areas of the project.

*** Pet Deposits are not a part of rent payable by the resident.**

ALTERATIONS TO UNIT

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

PET WASTE REMOVAL CHARGE

Pet owners are expected to provide for the sanitation needs of their pets. It is unacceptable for animal waste to be left on the complex grounds or within the individual apartments. All animal waste must be disposed of by the owner. If, the owner does not remove the pet waste charges will be assessed and a lease violation notice sent.

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against the resident for violations of the pet policy. Pet deposit and pet waste removal charges are not part of rent payable by the resident. All reasonable expenses incurred by the PHA as the result of damages directly attributable to the presence of the pet will be the responsibility of the resident, including:

- ❖ The cost of repairs and replacements to the dwelling unit; and
- ❖ Fumigation of the dwelling unit.

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge. If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount which exceeds the pet deposit. The pet deposit will be refunded when the resident moves out or no longer has a pet on the premises, whichever occurs first. The expense of flea deinfestation shall be the responsibility of the resident.

PET AREA RESTRICTIONS

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

NOISE

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

CLEANLINESS REQUIREMENTS

Litter Box Requirements.

All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin.

- ❖ Litter shall not be disposed of by being flushed through a toilet.
- ❖ Litter boxes shall be stored inside the resident's dwelling unit.

Removal of Waste From Other Locations.

The Resident/Pet Owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in an outside trash bin.

- ❖ Any unit occupied by a dog, cat, or rodent will be fumigated at the time the unit is vacated.
- ❖ The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

PET CARE

- ❖ No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 72 hours.
- ❖ All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.
- ❖ Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

RESPONSIBLE PARTIES

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

INSPECTIONS

The PHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed.

The PHA may enter and inspect the unit if a written complaint is received alleging that the conduct or condition of the pet in the unit constitutes a nuisance or threat to the health or safety of the other occupants or other persons in the community under applicable State or local law.

PET RULE VIOLATION NOTICE

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) which were violated. The notice will also state:

- ❖ That the resident/pet owner has 3 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;
- ❖ That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- ❖ That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the [3] day period, the meeting will be scheduled no later than [3] calendar days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

NOTICE FOR PET REMOVAL

If the resident/pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The Notice shall contain:

- ❖ A brief statement of the factual basis for the PHA's determination of the Pet Rule that has been violated;
- ❖ The requirement that the resident /pet owner must remove the pet within 3 days of the notice and 24 hours for safety and health reasons; and
- ❖ A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

TERMINATION OF TENANCY

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- ❖ The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
- ❖ The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. Includes pets that are poorly cared for or have been left unattended for over 72 hours.

If the responsible party is unwilling or unable to care for the pet, or if the PHA after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate State or local agency and request the removal of the pet.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

EMERGENCIES

The PHA will take all necessary steps to insure that pets which become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

*** If it is necessary for the HA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.**

Attachment E

Maintenance Policy

MAINTENANCE POLICY

The Maintenance Division of the Fort Wayne Housing Authority is responsible for managing the maintenance function in the most cost effective manner possible while maximizing the useful life of Authority properties and providing the best service to Authority residents. The following policy statements are designed to establish the structure of an effective and efficient maintenance system

1.0 COMPONENTS OF A MAINTENANCE SYSTEM

The Fort Wayne Housing Authority maintenance system shall include certain components:

- A. A system of priorities for work requests;
- B. Comprehensive working procedures;
- C. Performance goals;
- D. A work order system;
- E. A skills training program; and
- F. A long-range planning system.

By developing a maintenance system that has these components in place, the authority will have the tools it needs to control the performance of maintenance work at the Fort Wayne Housing Authority.

1.1 PRIORITY SYSTEM

The work priorities adopted by the Fort Wayne Housing Authority exemplify its philosophy of delivering maintenance services. This priority system ensures that the most important maintenance work is done at a time it can be performed most cost-effectively. Minimizing vacancy loss is part of the cost-effectiveness calculation. The maintenance priorities of the Fort Wayne Housing Authority are the following:

- A. Emergencies
- B. Scheduled Operations and Services
- C. Vacancy Preparation

D. Resident On-Demand Requests

Placing planned maintenance and vacancy preparation work ahead of resident work requests does not indicate that resident requests are unimportant. It emphasizes the importance of maintaining control of the maintenance work by performing scheduled routine and preventive work first. By doing so the Authority will decrease on-demand work and maintain the property in a manner that will keep and attract good tenants.

1.2 DEVELOP PROCEDURES

The Director of Maintenance will ensure that there are sufficient clear procedures in place to allow staff to implement this maintenance policy statement. All procedures will include the following:

- A. A statement of purpose;
- B. The job title(s) of the staff member(s) responsible for carrying out the activities in the procedure;
- C. Any forms needed to carry out the activities; and
- D. The frequency of any specified activities.

After their adoption, maintenance procedures will be reviewed and updated at least annually.

1.3 DEVELOP PERFORMANCE STANDARDS AND GOALS

The Director of Maintenance will establish measures that will allow the effectiveness of maintenance systems and activities to be evaluated. In establishing these standards the Housing Authority will take into consideration certain factors:

- A. Local housing codes;
- B. HUD Housing Quality Standards;
- C. Public Housing Assessment System (PHAS) standards;
- D. Fort Wayne Housing Authority job descriptions.

Nothing in the documents listed above will prevent the Housing Authority from setting a standard that is higher than that contained in the documents.

These standards and goals will be used to evaluate current operations and performance and to develop strategies to improve performance and meet the standards that have been set.

1.4 WORK ORDER SYSTEM

The Fort Wayne Housing Authority shall have a comprehensive work order system that includes all work request information: source of work, description of work, priority, cost to complete, days to complete, and hours to perform. This information is required for the Authority to plan for the delivery of maintenance services as well as evaluate performance. To obtain the greatest effectiveness from the work order system, all work requests and activities performed by maintenance staff must be recorded on work orders.

Work orders will contain, at a minimum, the following information:

- A. Preprinted number
- B. Source of request (planned, inspection, resident, etc.)
- C. Priority assigned
- D. Location of work
- E. Date and time received
- F. Date and time assigned
- G. Worker(s) assigned
- H. Description of work requested (with task number)
- I. Description of work performed (with task number)
- J. Estimated and actual time to complete
- K. Materials used to complete work
- L. Resident charge
- M. Resident signature

1.5 TRAINING

In order to allow its staff members to perform to the best of their abilities, the Fort Wayne Housing Authority recognizes the importance of providing the staff with opportunities to refine technical skills, increase and expand craft skills, and learn new procedures. Each employee must participate in training annually.

The Director of Maintenance is responsible for developing a training curriculum for the departmental staff and working with personnel department staff to identify the means of delivering the training.

1.6 LONG-RANGE PLANNING

The Fort Wayne Housing Authority will put in place a long-range maintenance planning capability in order to ensure the most cost-effective use of Authority resources and the maximum useful life of Authority properties.

The Director of Maintenance will develop a property-specific long-range planning process that includes the following components:

- A. A property maintenance standard;
- B. An estimate of the work required to bring the property to the maintenance standard;
- C. An estimate of the work required to keep the property at the maintenance standard including routine and preventive maintenance workloads, vacant unit turn-around, inspection requirements and resident on-demand work;
- D. An estimate of the on-going cost of operating the property at the maintenance standard;
- E. A market analysis of the property to determine if there are any capital improvements needed to make the property more competitive;
- F. A cost estimate to provide the specified capital improvements; and
- G. A revised work plan and cost estimate of maintaining property at the improved standard.

By developing a work plan, the Authority will be able to anticipate its staff, equipment and materials needs. It will also be possible to determine need for contracting particular services.

2.0 MAINTAINING THE PROPERTY

All maintenance work performed at Housing Authority properties can be categorized by the source of the work. Each piece of work originates from a particular source -- an emergency, the routine maintenance schedule, the preventive maintenance schedule, a unit inspection, a unit turnover, or a resident request.

2.1 RESPONDING TO EMERGENCIES

Emergencies are the highest priority source of work. The Fort Wayne Housing Authority will consider a work item to be an emergency if the following occur:

- A. The situation constitutes a serious threat to the life, safety or health of residents or staff; or
- B. The situation will cause serious damage to the property structure or systems if not repaired within twenty-four (24) hours.

If a staff member is unsure whether or not a situation is an emergency, he or she will consult with his or her supervisor. If a supervisor is not available, the employee will use his or her best judgment to make the decision.

For emergencies that occur after regular working hours, the Fort Wayne Housing Authority shall have a twenty-four (24) emergency response system in place. This response system includes the designation of a maintenance employee in charge for each day as well as a list of qualified pre-approved contractors, open purchase orders for obtaining required supplies or equipment, and access to Authority materials and supplies. The designated employee shall prepare a work order and report on any emergency within twenty-four hours after abatement of the emergency.

2.2 PREPARE VACANT UNITS FOR REOCCUPANCY

It is the policy of the Fort Wayne Housing Authority to reoccupy vacant units as soon as possible. This policy allows the Authority to maximize the income produced by its properties and operate attractive and safe properties.

The Director of Maintenance is responsible for developing and implementing a system that ensures an average turn-around time of seven (7) calendar days. In order to do so, he or she must have a system that can perform the following tasks:

- A. Forecast unit preparation needs based on prior years' experience;
- B. Estimate both the number of units to be prepared and the number of hours it will take to prepare them; and

- C. Control work assignments to ensure prompt completion.

The maintenance procedure for reoccupying vacant units relies on the prompt notification by management of the vacancy, fast and accurate inspection of the unit, ready availability of workers and materials, and good communication with those responsible for leasing the unit.

The Director of Maintenance has the ability to create special teams for vacancy turnaround or to hire contractors when that is required to maintain Authority goals.

2.3 PREVENTIVE MAINTENANCE PROGRAM

Preventive maintenance is part of the planned or scheduled maintenance program of the Fort Wayne Housing Authority. The purpose of the scheduled maintenance program is to allow the Authority to anticipate maintenance requirements and make sure the Authority can address them in the most cost-effective manner. The preventive maintenance program focuses on the major systems that keep the properties operating. These systems include heating and air conditioning, electrical, life safety and plumbing.

- A. General Operating Systems

The heart of any preventive maintenance program is a schedule that calls for the regular servicing of all systems. The development of this schedule begins with the identification of each system or item that must be checked and serviced, the date it must be serviced, and the individual responsible for the work. The servicing intervals and tasks for each system must be included in the schedule. The completion of all required tasks is considered a high priority for the Fort Wayne Housing Authority.

The systems covered by the preventive maintenance program include but are not limited to:

1. Catch basins
2. Compactors
3. Condensate pumps
4. Electric transformer and emergency generators
5. Elevator equipment
6. Emergency lighting

7. Exhaust fans
8. Exterior lights
9. Fire extinguishers and other life safety systems
10. Heating systems
11. Mechanical equipment and vehicles
12. Sanitary drains
13. Air Conditioning equipment
14. Domestic water
15. Gutters

A specific program will be developed for each system. This program shall include a list of the scheduled service maintenance for each system and the frequency and interval at which that service must be performed. The equipment and materials required to perform the service will be listed as well so that they will be on hand when needed. An assessment of the skills or licensing needed to perform the tasks will also be made to determine if an outside contractor must be used to perform the work. The preventive maintenance schedule must be updated each time a system is added, updated, or replaced.

B. Roof Repairs/ Replacement

Maintenance of roofs requires regular inspections by knowledgeable personnel to ensure that there is no unauthorized access to roof surfaces and that there is good drainage, clear gutters and prompt discovery of any deficiencies.

The Director of Maintenance is responsible for the development of a roof maintenance plan that includes these features:

1. The type, area, and age of roof
2. Warranties and/or guarantees in effect
3. Company that installed the roof
4. Expected useful life of roof

5. History of maintenance and repair
6. Inspection schedule

The authority maintenance staff will usually undertake only minor roof repairs. Therefore there should be a list of approved roofing contractors to take on more serious problems for roofs no longer under warranty.

C. Vehicle/Equipment Maintenance

The Fort Wayne Housing Authority will protect the investment it has made in vehicles and other motorized equipment by putting in place a comprehensive maintenance program. The vehicles and equipment to be covered include:

1. Cars, trucks and vans
2. Tractors
3. Hustlers/Bobcats
4. Snow blowers
5. Leaf blowers
6. Weed cutters
7. Lawn Mowers
8. Chain saws

The Public Housing Administrator is responsible for the development of this plan which shall contain components for minimal routine service as well as servicing for seasonal use. Serviceable components for each vehicle or piece of motorized equipment will be listed in the plan along with the type and frequency of service required.

The Director of Maintenance shall also maintain a system to ensure that any employee that operates a vehicle or piece of motorized equipment has the required license or certification.

D. Lead-Based Paint

The Fort Wayne Housing Authority is committed to controlling lead-based paint hazards in all its dwellings, especially family dwellings constructed

before 1978. If any hazards are discovered, the Authority will develop a plan to abate the hazard. The Director of Maintenance shall have the authority and responsibility to direct all activities associated with lead hazard control. The control plan will include such activities as:

1. Detecting the possible presence of lead paint;
2. Protection of residents and workers from lead-based paint hazards;
3. Surface protection of non-painted surfaces;
4. Equipment use and care;
5. Paint quality; and
6. Method of application.

Other responsibilities include directing training sessions, issuing special work orders, informing residents, responding to cases of children with elevated blood lead levels, correcting lead-based paint hazards on an emergency repair basis, and any other efforts that may be appropriate.

The Fort Wayne Housing Authority's plan to control such hazards is detailed in a risk assessment report and lead hazard control plan.

E. Life Safety Systems

The Fort Wayne Housing Authority shall have a comprehensive program for maintenance of life safety systems to ensure that they will be fully functional in the case of an emergency. The Director of Maintenance shall be responsible for the development and implementation of a schedule that includes the inspection, servicing and testing of this equipment. The equipment to be included in the plan includes the following:

1. Fire alarms and fire alarm systems
2. Fire extinguishers
3. Fire hoses
4. Emergency generators
5. Emergency lighting
6. Smoke detectors

7. Sprinkler systems

The plan will include the required testing and servicing as required by manufacturer's recommendations. It will also include a determination of the most reliable and cost effective way to perform the work including the decision to hire a contractor.

2.4 *INSPECTION PROGRAM*

The Fort Wayne Housing Authority's goals of efficiency and cost-effectiveness are achieved through a carefully designed and rigorously implemented inspection program. This program calls for the inspection of all areas of the Authority's facilities -- the dwelling units, the grounds and building exteriors, and major service systems.

A. Dwelling Unit Inspections

The unit inspection system of the Fort Wayne Housing Authority has two primary goals:

1. To assure that all dwelling units comply with standards set by HUD and local codes; and
2. To assure that the staff of the Fort Wayne Housing Authority knows at all times the condition of each unit for which it is responsible.

The achievement of these goals may require more than the annual HUD required inspection. The Director of Maintenance is responsible for developing a unit inspection program that schedules inspections at the frequency required.

For all non-emergency inspections, the Resident shall be given at least two (2) days written notice of the inspection.

The maintenance staff shall perform the unit inspection program of the Fort Wayne Housing Authority. During each inspection, the staff shall perform specified preventive and routine maintenance tasks. Any other work items noted at the time of the inspection will be documented on the Fort Wayne Housing Authority inspection form. All uncompleted work items shall be converted to a work order within twenty-four hours of the completion of the inspection. The maintenance staff shall endeavor to complete all inspection-generated work items within 30 days of the inspection.

All maintenance staff is responsible for monitoring the condition of dwelling units. Whenever a maintenance staff member enters a dwelling unit for any purpose, such as completing a resident request for service or accompanying a contractor, he or she shall record on an inspection form any required work he or she sees while in the apartment. These work items shall also be converted to a service request within twenty-four hours of discovery.

B. Building and Grounds Inspections

Regular inspections of the property grounds and building exteriors are required to maintain the curb appeal of the property. This curb appeal is required to maintain the attractiveness of the property for both current and prospective residents. The inspection procedure will specify the desired condition of the areas to be inspected. This defined condition will include any HUD or locally required standards. The existence of these standards shall not prevent the Housing Authority from setting a higher standard that will make the property more competitive in the local market.

Building and grounds inspections must cover these areas:

1. Hallways
2. Stairwells
3. Community room and other common space such as kitchens or public restrooms
4. Laundry facilities
5. Lobbies
6. Common entries
7. Basements
8. Grounds
9. Porches or patios
10. Parking lots
11. Sidewalks and fences
12. Lawns, shrubs and trees

13. Trash compactors or collection areas

14. Building foundations

An inspection form will be developed for common areas and building exteriors and grounds. The staff member responsible for the inspection shall note all deficiencies on the form and ensure that these deficiencies are recorded on work order within twenty-four hours of the inspection. The Fort Wayne Housing Authority will complete all inspection-generated work items within thirty (30) days of the inspection.

Nothing in this policy shall prevent any Fort Wayne Housing Authority staff member from reporting any needed work that they see in the regular course of their daily activities. Such work items shall be reported to the site manager of the appropriate property.

C. Systems Inspections

The regular inspection of all major systems is fundamental to a sound maintenance program. The major systems inspection program overlaps with the preventive maintenance program in some areas. To the extent that inspections, in addition to those required for scheduled service intervals, are needed, they will be a part of the inspection schedule. Any work items identified during an inspection shall be converted to a work order within twenty-four hours and completed within thirty (30) days.

2.5 ***SCHEDULED ROUTINE MAINTENANCE***

The Fort Wayne Housing Authority includes in this work category all tasks that can be anticipated and put on a regular timetable for completion. Most of these routine tasks are those that contribute to the curb appeal and marketability of the property.

A. Pest Control/Extermination

The Fort Wayne Housing Authority will make all efforts to provide a healthy and pest-free environment for its residents. The Authority will determine which, if any, pests infest its properties and will then provide the best possible treatment for the eradication of those pests.

The Director of Maintenance will determine the most cost-effective way of delivering the treatments -- whether by contractor or licensed Authority personnel.

The extermination plan will begin with an analysis of the current condition at each property. The Director of Maintenance shall make sure that an adequate schedule for treatment is developed to address any existing infestation. Special attention shall be paid to cockroaches. The schedule will include frequency and locations of treatment. Different schedules may be required for each property.

Resident cooperation with the extermination plan is essential. All apartments in a building must be treated for the plan to be effective. Residents will be given information about the extermination program at the time of move-in. All residents will be informed at least one week and again twenty-four hours before treatment. The notification will be in writing and will include instructions that describe how to prepare the unit for treatment. If necessary, the instructions shall be bi-lingual to properly notify the resident population.

B. Landscaping and Grounds

The Fort Wayne Housing Authority will prepare a routine maintenance schedule for the maintenance of the landscaping and grounds of its properties that will ensure their continuing attractiveness and marketability.

Routine grounds maintenance includes numerous activities:

1. Litter control
2. Lawn care
3. Maintenance of driveways, sidewalks and parking lots
4. Care of flower and shrubbery beds and trees
5. Maintenance of playgrounds, benches and fences
6. Snow removal (when required by climate)

The Director of Maintenance shall be responsible for the development of a routine maintenance schedule that shall include the following:

1. A clearly articulated standard of appearance for the grounds that acknowledges but is not limited to HUD and local code standards;
2. A list of tasks that are required to maintain that standard and the frequency with which the tasks must be performed;

3. The equipment, materials, and supplies required to perform the tasks and a schedule for their procurement; and
4. A separate snow removal plan including a schedule for preparing equipment for the season and the procurement of other necessary materials and supplies.

C. Building Exteriors and Interior Common Areas

The appearance of the outside of Authority buildings as well as their interior common areas is important to their marketability. Therefore, the Fort Wayne Housing Authority has established a routine maintenance schedule to ensure that they are always maintained in good condition. The components to be maintained include:

1. Lobbies
2. Hallways and stairwells
3. Elevators
4. Public restrooms
5. Lighting fixtures
6. Common rooms and community spaces
7. Exterior porches and railings
8. Building walls
9. Windows

The Director of Maintenance is responsible for the development of a routine maintenance schedule for building exterior and interior common areas. The schedule shall be based on the following:

1. A clearly articulated standard of appearance for the building
2. A list of tasks required to maintain that standard
3. The frequency with which the tasks must be performed
4. A list of materials, equipment and supplies required to perform the tasks.

D. Interior Painting

The appearance and condition of the paint within each unit is important to unit condition and resident satisfaction. Accordingly, the Fort Wayne Housing Authority will develop a plan to ensure that interior paint in resident dwelling units is satisfactorily maintained.

As part of this plan painting standards will be developed that include:

1. Surface preparation
2. Protection of non-painted surfaces
3. Color and finish
4. Paint quality
5. Methods of application approved
6. Lead paint testing and abatement if required

The plan will set out the conditions for the consideration of a painting request. These standards include the period of time that has elapsed since the last time the unit was painted. Alternatives for performance of the work will be included including the conditions under which a resident will be allowed to paint his or her own unit.

2.6 RESIDENT ON-DEMAND SERVICE

This category of work refers to all resident generated work requests that fall into no other category. These are non-emergency calls made by residents seeking maintenance service. These requests for service cannot be planned in advance or responded to before the resident calls.

It is the policy of the Fort Wayne Housing Authority to complete these work requests within seven (7) days. However, unless the request is an emergency or entails work that compromises the habitability of the unit, these requests will not be given a priority above scheduled routine and preventive maintenance. By following this procedure, the Fort Wayne Housing Authority believes it can achieve both good resident service and a maintenance system that completes the most important work first and in the most cost effective manner.

3.0 CONTRACTING FOR SERVICES

The Fort Wayne Housing Authority will contract for maintenance services when it is in the best interests of the Authority to do so. When the employees of the Authority have the time and skills to perform the work at hand, they will be the first choice to perform a given task. When the employees of the Authority have the skills to do the work required, but there is more work than there is time available to complete it, the Housing Authority will determine whether it is more cost effective to use a contractor to complete the work. If the Authority staff does not have the skills to complete the work, a contractor will be chosen. In the last instance, the Authority will decide whether it will be cost effective to train a staff member to complete the work.

Once the decision has been made to hire a contractor, the process set out in the Fort Wayne Housing Authority Procurement Policy will be used. These procedures vary depending on the expected dollar amount of the contract. The Director of Maintenance will work with the Procurement Department to facilitate the contract award. The Director will be responsible for the contribution of the Maintenance Department to this process. The most important aspect of the bid documents will be the specifications or statement of work. The clearer the specifications the easier it will be for the Authority to get the work product it requires.

Attachment F

FSS Action Plan

PURPOSE AND OBJECTIVES:

The purpose of the Family Self-Sufficiency (FSS) Program is to match Housing Choice Voucher and Public Housing families with the public and private resources, which will best meet their needs for self-sufficiency. The FSS Program focuses on increasing opportunities for furthering education and job training, identifying and linking participants with social service assistance and/or supportive counseling programs as needed. While receiving housing assistance and with the assistance of an FSS Coordinator, participants set goals and objectives to decrease their reliance on public funds and increase their self-sufficiency. Since housing assistance relieves one burden placed on our families, they can focus on pursuing and obtaining employment, increasing their educational attainment level, increasing business skills, and improving social skills. Concentrating solely on these skills helps our participants more rapidly achieve economic self-sufficiency.

FAMILY DEMOGRAPHIC & ESTIMATE OF PARTICIPATING FAMILIES:

The FSS Program expects to assist an estimated three hundred (300) Housing Choice Voucher families and an estimated twenty-five (25) Public Housing families.

Characteristics of available families are:

Section 8		Public Housing	
African-American	70%	African-American	40%
Caucasian	29%	Caucasian	57%
Hispanic	1%	Hispanic	1%
Asian	0%	Asian	2%

ELIGIBLE FAMILIES FROM OTHER SELF-SUFFICIENCY PROGRAMS:

The Fort Wayne Housing Authority (FWHA) currently has an agreement to supply five (5) vouchers for Supplemental Assistance to Facilities Assisting the Homeless (SAFAH), a local non-profit supported Self-Sufficiency service provider. SAFAH is an intensive aid program designed to assist homeless people to make the transition from homelessness to fully employed and adequately housed. Participants in similar programs, such as Project Self-Sufficiency, Operation Bootstrap and IMPACT Job Training, are also encouraged to apply to the Fort Wayne Housing Authority FSS program.

FSS FAMILY SELECTION PROCEDURES:

Public Housing FSS program will select participants from the current residents of all public housing sites. The Housing Choice Voucher FSS program will select participants

from currently leased-up voucher holders, that have submitted a pre-enrollment application, attended the mandatory FSS orientation and is consider in good standings with FWHA. FWHA does not select FSS participants directly from either the Public Housing or Housing Choice Voucher waiting lists. Pre-enrollment applications will be dated stamped and processed on a “first come, first served” basis.

Participation in the FSS program is voluntary. FWHA will accept a participant who successfully completes a pre-enrollment application; attend a mandatory FSS orientation into the FSS program regardless of race, color, religion, sex, handicap, familial status or national origin. Only families who enter into an FSS contract of participation will be classified as enrolled into the FSS program.

Former FSS participants will be eligible to re-enroll in the FSS program, as long as they are in good standings with FWHA.

INCENTIVES TO ENCOURAGE PARTICIPATION:

The FWHA has established and is currently administrating separate Housing Choice Voucher and Public Housing – Escrow Accounts in full accordance with HUD regulations. FWHA will work with the local community agencies, organizations, and businesses to offer incentives to encourage participation in the FSS program.

OUTREACH EFFORTS:

- A. An FSS informational flier will be mailed to all current participants of the Public Housing and Housing Choice Voucher programs, informing them of the availability of the FSS program and its potential benefits for their family;
- B. The Housing Choice Voucher FSS Coordinators will make presentations to residents attending Briefings and Transfer meetings at the Housing Authority and at IMPACT orientations. Presentations will also be provided to various other local social service providers upon request;
- C. The Public Housing FSS Coordinator will make presentations to residents attending orientation briefings;

- D. Brochures about the Public Housing FSS program will be placed in informational folders and given to newly leased participants and at annual re-certifications, the Site Managers will present each resident with a new brochure;
- E. The Public Housing FSS Coordinator will make semi-annual presentations at each Public Housing site for current residents and will meet, when possible, with applicants as they move through the application process;
- F. Articles in local newspapers, including ethnic newspapers, about success stories will be solicited in addition to appearing on local community affairs radio shows, and;
- G. Local television stations and the Public Access Television station will be utilized to market FSS for resident recruitment and Community Involvement by local service providers, business organizations, employers, local government, and others whom may assist residents to achieve self-sufficiency by becoming economically independent.

FSS ACTIVITIES AND SUPPORTIVE SERVICES:

- 1. **Job Placement and Career Counseling opportunities include:**
Job Works, Employment and Training Service; Private Industry Council; Fort Wayne Urban League, Express Personnel, Staff Mark, and Goodwill Industries;
- 2. **Education and Training opportunities include:**

GED, 1 year certificate, 2 year Associate, 4 year Bachelor, specialized technical classes and various job training opportunities through Fort Wayne Community Schools Adult Continuing Education Department, Three Rivers Literacy Alliance, Indiana-Purdue University, Taylor University, Ivy Tech State College, and other area educational institutions;

3. Child Care opportunities include:

Childcare voucher through C.A.N.I., Paths to Quality through Early Childhood Alliance, and private sector day-care facilities will be targeted as primary providers. Other individual sources will be utilized as necessary;

4. Transportation opportunities include:

Assistance may be provided via bus vouchers issued by IMPACT, and FWHA staff for service programs in which the family is participating;

5. Employment opportunities include:

Local community employers' will be targeted as primary resources, and potential partnerships;

6. Housing opportunities include:

All participants will continue to receive housing assistance through the Fort Wayne Housing Authority Public Housing or Housing Choice Voucher programs, as long as participants meets all HUD regulations.

7. Homeownership Training opportunities include:

Training will be provided by the FWHA through its Housing Counseling Office, Neighbor Works, or a source selected by the participants, as long as the organization meets HUD approval.

8. Home Skills Counseling opportunities include:

Quarterly workshops will be formulated by PCC members and/or FSS staff, and other outside agencies to cover the following subjects:

- Budgeting, Money Management & Credit Repair;
- Household Maintenance;
- Parenting Skills;
- Dressing for Success;
- Domestic Violence – The YWCA and the Center for Non-Violence have support groups for single parents on a variety of topics. FSS participants will be encouraged to participate when it is appropriate;
- Preventive Healthcare (medical & dental) – Nutrition will be available through Mathew 25 on a sliding fee scale. Medicaid will be available to the majority of participants, which will allow the participants to select their service providers; and
- Mentoring Support will be encouraged. Volunteers will be solicited form local churches and the community.

PROGRAM COORDINATING COMMITTEE (PCC):

The Program Coordinating Committee (PCC) is comprised of community leaders from the public and private sector, Fort Wayne Housing Authority personnel, Public Housing residents, Housing Choice Voucher participants, and others in the community. The PCC plays an integral part of the program, and their responsibilities will include the following:

- Assisting in the development and expansion of FSS services and training as defined in each Individual Training and Service Plan;
- Advisory group for the FSS program;
- Assisting in expanding and coordinating agreements between the PHA and potential service providers;
- Recommending improvements and provisions for delivery of services;

- Marketing the FSS program to others in the community and providing additional incentives for participation;
- Holding regular meetings to review and update its goals;
- Participating in the determination of program extensions of participating families;
- Assisting in the annual updates to the FSS Action Plan, and
- Reviewing and approving escrow account disbursements and successful completion of the FSS families obligations;

METHOD FOR IDENTIFICATION OF FAMILY SUPPORT NEEDS:

- A. The FSS Coordinator will hold FSS orientation to explain the program and its benefits;

- B. Each family's head of household that has submitted a pre-enrollment application, attended the mandatory FSS orientation and has been determined to be in good standings, will meet with an FSS Coordinator for preliminary planning and a needs assessment.

- C. The FSS Coordinator and the head of household will discuss the family's needs and program goals. The Coordinator will describe the services available.

- D. The FSS Coordinator and the head of household will formulate a mutually agreed upon Individual Training and Services Plan (ITSP), that will identify final goals and all interim goals needed to successfully complete the program.

- E. Services will be matched with the agencies, businesses, and organizations listed under "FSS Activities and Supportive Services". Other community businesses, agencies and organizations will be engaged as they become available and are needed.

- F. The FSS Coordinator will issue service referrals to each FSS family member with an ITSP.

PROGRAM TERMINATION:

A sub-committee comprised of a PCC member and FWHA FSS staff will review cases and conduct interviews with the FSS family prior to terminating a family's contract of participation. A written decision will be sent to the FSS family within seven (7) days of the decision. FSS families may appeal a decision, in writing, addressed to the FSS Program Supervisor within thirty-days (30) of receiving notification. FSS families are eligible to re-apply to the FSS program if the initial termination was for "unsuccessful completion of their contract". Terminated FSS families will not be eligible to re-apply if the initial termination was due to a family's failure to comply with the conditions and terms of their rental agreement or any HUD regulations.

The five (5) most common reasons for termination from the FSS program are as follows:

- 1) Mutual consent of the parties;
- 2) Failure to fulfill obligations outlined in the Contract of Participation;
- 3) Failure to adhere to Housing Program rules (HCVP or Public Housing);

- 4) Family withdraws from the FSS program; and
- 5) An operation of law;

Terminating families from the FSS program will not in any way affect a family's right to occupancy (unless the termination is because of a failure to adhere to HUD regulations).

WITHHOLDING OF SERVICES:

Consequences of non-compliance with the contract of participation shall specify that if the FSS family fails to comply, without good cause, with the terms and conditions of the contract of participation, which includes compliance with the Public Housing lease or the Section 8 – assisted lease, the Fort Wayne Housing Authority may:

- Withhold the supportive services; and
- Terminate the family's participation in the FSS program;

GRIEVANCE PROCEDURES:

Housing Choice Voucher Program:

Informal hearing procedures will be available to all participating HCVP FSS families, in accordance to Chapter 19, Section D, of the Section 8 Administrative Plan, April 2005.

Public Housing Program:

Grievance procedures will be available to all participating Public Housing FSS families, in accordance with "Complaints, Grievances and Appeals" of the FWHA Public Housing Occupancy and Admissions Policy, April 2005.

ASSURANCE OF NON-INTERFERENCE WITH RIGHTS OF NON-PARTICIPATING FAMILIES:

Family Self-Sufficiency is currently a volunteer program. While we do advocate participation, FWHA assures that a family's decision to **NOT** participate in the FSS program will not affect the family's participation in the Housing Choice Voucher program or their Public Housing occupancy in accordance with its lease.

CERTIFICATION OF COORDINATION:

The FWHA certifies that the development of the services and activities under the FSS program have been coordinated with Job Opportunities and Basic Skills Training Program under Part F and Title IV of the Social Security Act, Project Impact, and other relevant programs.

Attachment G

Replacement Housing Factor Plan

**Replacement Housing Factor
(RHF) Funding Plan**
First 5 Year Increment
FY 2002 through FY 2006

**The Housing Authority of the City of Fort Wayne
PO Box 13489 Fort Wayne, Indiana
46803-13489**

Brief Description of Project:

The Housing Authority of the City of Fort Wayne's Miami Village Apartments was originally developed in 1953 as a seventy-five (75) Low Rent Housing unit family site, Project number: IN003-03.

In the summer of 2002, The Housing Authority of the City of Fort Wayne (FWHA) completed demolition of the entire complex. This project was funded by a federal HOPE VI grant from HUD. As a result of this action, the FWHA became eligible for RHF funding in FY 2002. The FWHA submitted a request to the local HUD office asking for permission to accumulate the first five year increment of an estimated six hundred and seventy-five thousand dollars (\$675,000). The HUD office approved and the FWHA began placing RHF funds in the reserve/development account.

Scope of project: Subject to HUD approval the FWHA intends to build for rental as Public Housing ten (10) one bedroom and ten (10) two bedroom apartments. They will be constructed as two, one-story, 10 unit buildings facing each other with a shared common parking lot. The units will be approximately 650-900 square feet, dependent on bedroom count. The development will be located on land the FWHA already owns thereby requiring no "Site Acquisition Plan" be submitted for approval. Development tentatively named "**The Village at Brooklyn Pointe**". The total development cost for project: **\$921,000**. Total development cost for each unit: **\$46,000**.

**Replacement Housing Factor
(RHF) Plan Proposal
Second Increment**

FY 2007 through FY 2011

**The Housing Authority of the City of Fort Wayne
PO Box 13489 Fort Wayne, Indiana
46803-13489**

Brief Description of Project:

The goal of the Housing Authority of the City of Fort Wayne's Development Plan for the Second Increment of RHF funding is the new construction of **twelve (12) two (2) bedroom and twelve (12) one (1) bedroom Public Housing, single story, walkup units**. The units will be in the formation of two rows of attached twelve (12) unit buildings that share a common parking lot. Four of the units will be built fully accessible and compliant to all ADA standards.

In FY 2002, the Housing Authority of the City of Fort Wayne (FWHA) began receiving Replacement Housing Factor funds. The FWHA is currently in the process of development for fifteen single family homeownership homes at the former Miami Village project (IN003-03). Miami Village was demolished under the FWHA's HOPE VI plan and the loss of those units made the FWHA eligible for RHF funds. The agency will receive its final year of RHF funding under the first increment in FY 2006. The agency has requested the Second Increment of funding for its new development is tentatively named **Whispering Oaks** on a property the agency has acquired that is adjacent to another Public Housing Hi-Rise building. This project Tall Oaks IN003-10 is occupied by both senior and disabled tenants. RHF funds were not used in the acquisition of the development property.

Scope of project: The FWHA intends to build for Public Housing, up to **twenty-four (24)**, attached, one and two bedroom single story apartments, on the site. Development tentatively is named "**Whispering Oaks**". The total development cost for project: **\$1,200,000**. Total development cost for each unit: **\$50,000**.

Attachment H

Announcement of the Membership of the Resident Advisory Board

FWHA Resident Advisory Board Members 2006/2007

Constance Causey	Scattered Sites
Desira Kearnes	Tall Oaks
Laura Bice	North Highlands
Anne Pape	North Highlands
Karel Dailey	North Highlands
Beverle Schnieder	North Highlands
Quatesha Golden	River Cove
Annette Rowland	Maumee Terrace

Attachment I

Resident Advisory Board Recommendations

**Fort Wayne Housing Authority
Resident Advisory Board Minutes
December 13, 2006**

RAB Members Present:

Laura Bice
Anne Pape
Constance Causey

Beverly Schneider
Karel Dailey
Desira Kearnes

Others Present:

Bing Bowley
Paula Garretson

Carolyn Nichter

Bing Bowley, Director of Facilities Management opened the meeting at 3:07 p.m.

Mr. Bowley reviewed with the RAB members the increase in maintenance charges. Cost for maintenance items has not been increased in at least seven years. Specific charge items were reviewed.

The Fort Wayne Housing Authority is committed to fire safety. To help maintain the fire safety systems to help protect our residents a Fire/Smoke detection device charges and penalties is being implemented. The Fire/Smoke detection device guidelines and charges were discussed. The housing authority is implementing charges for: removing or disabling a device for any reason, charging to reinstall the device, and replacement fee if it is broken or damaged.

The Fort Wayne Housing Authority is a high performer. This nets FWHA additional Capital Fund dollars to allow for additional improvements to our Public Housing properties.

The Fort Wayne Housing Authority had a 96%-97% occupancy rate for 2006.

The implementation of minimum rents of \$50 was discussed. The members also reviewed the utility allowance revisions that resulted from the utility study.

Project Based Management is requiring Public Housing Development to be operated in the same manner as private apartment complexes, utilizing similar resources and finances. Properties will be grouped as operating projects to be managed under the new system. The reorganization of properties managed by FWHA will result in four Asset Management Projects (AMPs).

The housing authority is implementing a path for Public Housing residents who participate in Self-Sufficiency to work towards home ownership. The Fort Wayne Housing Authority will be selling off our scattered sites through the home ownership program.

In order to replace some of the public housing units that were lost when Miami Village was torn down, the housing authority is working on a development near Miami Homes. This project will have 22 to 24 one and two bedroom units. The apartments will have a similar layout to Brooklyn Manor. The project has been approved by HUD and should begin in 2007.

The housing authority has purchased land next to Tall Oaks. This acquisition will also be used for additional public housing units. This property will have approximately 20 apartments and be the same type of buildings as those built near Miami Village.

Land next to the River Cove property has been donated to the housing authority. This land has the possibility of building 11 to 14 units.

The members discussed the status of the Reasonable Accommodation Policy.

The meeting was closed at 4:37 p.m.

Respectfully Submitted by:

Paula Garretson, Administrative Assistant

Attachment J

Resident Membership of the PHA Governing Board

Name: Constance Causey
Method of Selection: Appointed by Mayor to a four year term with carry-over at expiration of term until such time as a replacement is named (per by-laws)
Term: March 2000 to February 2004 (still serving as no replacement has been named)

Attachment K

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Contract Name

Housing Authority of the City of Fort Wayne, Indiana

Program/Activity/Phase (Use of Federal Open Funds)

Public Housing Capital Grant Funds

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees --

- (1) The dangers of drug abuse in the workplace;
- (2) The Applicant's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.

d. Notifying the employee in the statement required by paragraph a that, as a condition of employment under the grant, the employee will --

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted --

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the sites for the performance of work done in connection with the HUD funding of the program/activity shown above. Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.

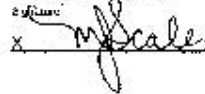
Check here if these six workplaces or the sites were not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompanying herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in civil and/or criminal penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official
Mr. Maynard J. Seales

Title
Executive Director

Signature


Date
03/01/2007

Form HUD-50078 (1999)
Rev. Handbooks 74-7.1, 7475.19, 7485.1 & 5

Attachment L

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Applicant Name

Housing Authority of the City of Fort Wayne, Indiana

Program/Activity Receiving Federal Grant Funding

Public Housing Capital Grant Funds

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

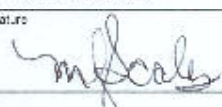
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L.L.L., Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Mr. Maynard J. Scales	Executive Director
Signature	Date (mm/dd/yyyy)
	03/01/2007

Previous editions obsolete

form HUD 50071 (3/98)
ref. Handbooks 7417.1, 7475.13, 7495.1, & 7485.3

Attachment M

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan

I, Graham Richard the Mayor certify
that the Five Year and Annual PHA Plan of the Fort Wayne Housing Authority is
consistent with the Consolidated Plan of City of Fort Wayne, Indiana prepared
pursuant to 24 CFR Part 91.


Signed / Dated by Appropriate State or Local Official

Certification by State and Local Official of PHA Plans Consistency with the Consolidated Plan as Accompany the HUD 50075
OMB Approval No. 2577-0226
Expires 03/31/2002
(7/99)
Page 1 of 1

Attachment N

Standard PHA Plan PHA Certifications of Compliance

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the *Standard Annual, Standard 5-Year/Annual, and Streamlined 5-Year/Annual PHA Plans*

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the standard Annual, standard 5-Year/Annual or streamlined 5-Year/Annual PHA Plan for the PHA fiscal year beginning _____ hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof.

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address these impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting those analyses and actions.
7. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's MTCIS in an accurate, complete and timely manner (as specified in PHA Notice 99-2);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 2 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA has submitted with the Plan a certification with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
12. The PHA has submitted with the Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.

13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
15. The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58.
16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
17. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
19. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.).
20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.

*Housing Authority of the
City of Fort Wayne, Indiana*
PHA Name

W003
PHA Number/ILA Code

- Standard PHA Plan for Fiscal Year: 20__
- Standard Five-Year PHA Plan for Fiscal Years 2005 - 2009, including Annual Plan for FY 2007
- Streamlined Five-Year PHA Plan for Fiscal Years 20__ - 20__, including Annual Plan for FY 20__

I hereby certify that all the information stated herein, as well as any information provided in the accompanying herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1031, 1012; 31 U.S.C. 3729, 3805)

Name of Authorized Official	Title
<i>Judy Macon</i>	<i>Chairperson of the Board</i>
Signature	Date
<i>x Judy Macon</i>	<i>3/30/07</i>

Attachment O

Fort Wayne Housing Authority

DISPOSITION POLICY

Personal property belonging to the Fort Wayne Housing Authority shall not be sold or exchanged for less than fair value. Any personal property belonging to the Housing Authority that is no longer needed for Housing Authority operations shall be declared excess. Any such excess property valued at Five Hundred Dollars (\$500.00) or more, which is not being sold to a public body for a public use or to a non-profit organization for low-income housing related purposes (e.g. a resident organization), shall be sold at a public sale.

Sales of excess personal property shall be conducted in the following manner:

- A. The Executive Director shall declare personal property that is worn out, obsolete or surplus to the needs of the Housing Authority excess. All such declarations shall be documented in writing. A survey to identify such property shall be conducted at least once a year following the annual inventory conducted in June of each year.
- B. If the estimated market value of the personal property offered for sale is less than Five Hundred Dollars (\$500.00), the Executive Director may negotiate a sale in the open market after such informal inquiry as he or she considers necessary to ensure a fair return to the Housing Authority. The sale shall be documented by an appropriate bill of sale.
- C. For sales of excess property valued between Five Hundred Dollars (\$500.00) and Five Thousand Dollars (\$5,000.00), the Executive Director shall solicit informal bids orally, by telephone, or in writing from all known prospective purchasers and a tabulation of all such bids received shall be prepared and retained as part of the permanent record. The sale shall be documented by an appropriate bill of sale.
- D. For sales of excess property valued at more than Five Thousand Dollars (\$5,000.00), a contract of sale shall be awarded only after advertising for formal bids. The advertisement shall be posted at least fifteen (15) days prior to award of the sale contract and shall be published in newspapers or circular letters to all prospective purchasers. In addition, notices shall be posted in public places. Bids shall be opened publicly at the time and place specified in the advertisement. A tabulation of all bids received shall be prepared and filed with the contract as part of the permanent record. The award shall be made to the highest bidder as to price value, subject to approval by the Board of Commissioners.
- E. Notwithstanding the above, the sale or donation of personal property, valued at more than Five Thousand Dollars (\$5,000.00), to a public body for public use or a non-profit organization for low-income housing related purposes may be negotiated at its fair value subject to approval by the Board of Commissioners. For values less than \$5,000, the Executive Director shall negotiate a fair value with the public body or the non-profit organization for low-income housing related purposes. The transfer shall be documented by an appropriate bill of sale.

As outlined above, personal property shall not be destroyed, abandoned, or donated without the prior approval of the Board of Commissioners. The Executive Director shall make every effort to dispose of excess personal property as outlined above. However, if the property has no scrap or salvage value and a

purchaser cannot be found, the Executive Director shall prepare a statement stating that all efforts were futile, together with recommendations as to the manner of disposition. This statement together with the complete documentation in support of the destruction, abandonment, or donation, shall be retained as a part of the permanent records.

Attachment P

2007 HUD Income Limits

(Median Income = 60,600 for a family of four)

% Of Median Income	Limit per Number of Persons in Household							
	1	2	3	4	5	6	7	8
30%	\$12,726	\$14,544	\$16,362	\$18,180	\$19,634	\$21,089	\$22,543	\$23,998
50%	\$21,210	\$24,240	\$27,270	\$30,300	\$32,724	\$36,148	\$37,572	\$39,996
60%	\$25,452	\$29,088	\$32,724	\$36,360	\$39,269	\$42,178	\$45,086	\$47,995
80%	\$33,036	\$38,784	\$43,050	\$48,480	\$52,358	\$56,237	\$60,115	\$63,994

Number of Persons in Family and Percentage Adjustments

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
70%	80%	90%	Base	108%	116%	124%	132%

Fair Market Rent

(Includes all eligible utilities)
2007

Final FY 2007 FMRs By Unit Bedrooms

	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
Fair Market Rent	\$459	\$488	\$610	\$761	\$782

Attachment Q

Fort Wayne Housing Authority Capacity Statement - Section 8 Homeownership Program

Fort Wayne Housing Authority (FWHA) possesses the **capacity**, experience and expertise to successfully formulate and it has implemented a Section 8 **Homeownership** Program to enable Section 8 participants to purchase a home. FWHA's Section 8 **Homeownership** Program was approved by the Board of Commissioners (BOC) on January 9, 2001 and is currently being administered by our Housing Counseling Division. At the end of fiscal year 2006, **49** families had been referred to the HUD- Approved Housing Counseling Program, of that number **3** required one-on-one, counseling, **5** families have completed Homeownership Counseling and received a certificate and **2** were considered "mortgage ready." Fifteen (15) families have closed on their purchase of a home through March, 2007.

FWHA has operated Section 8 housing for Fort Wayne jurisdiction since 2001, as the first PHA in Indiana to close a homeownership loan using the Section 8 program.

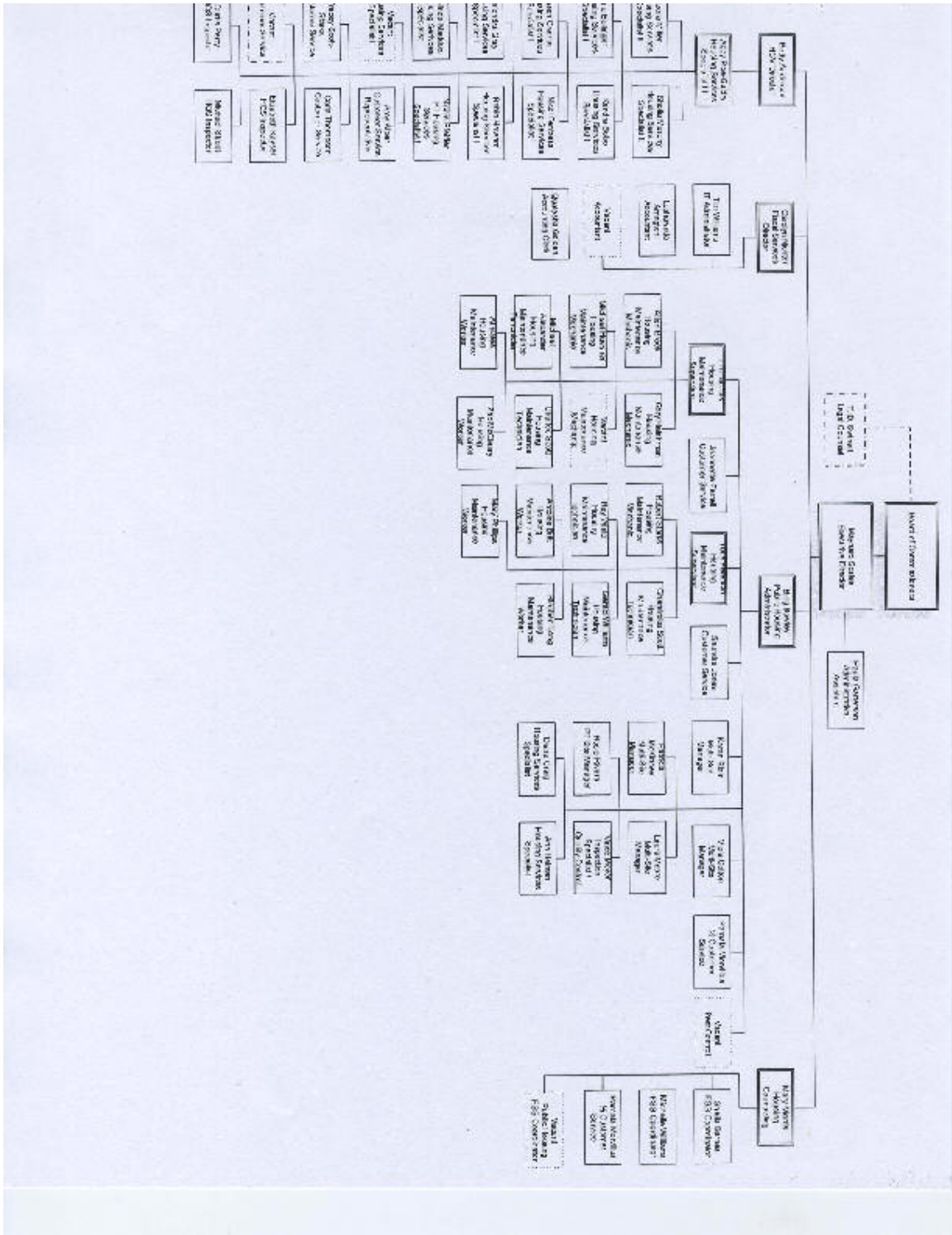
The Section 8 program is comprised of approximately 2,860 Housing Choice Vouchers. Additionally, FWHA administers programs targeted for populations with special needs. The agency administers 50 Scattered Site units that are planned for inclusion in the homeownership program on a phased-in basis.

FWHA has provided over \$750,000.00 for the purchase of affordable housing units in the Fort Wayne area. Funding is available through locally funded sources, and with state and federal funding from HOME Investments Partnership (HOME) and the Community Development Block Grant (CDBG) Programs. Services afforded to Fort Wayne residents include home ownership readiness assistance which makes them eligible for a below market interest rate second mortgage; down payment assistance, including partial down payment and closing costs to qualified families and individuals; homebuyer counseling, consisting of technical services, such as credit counseling or legal services to assist in the purchase of maintenance skills and responsibilities, fair housing issues, smart realtor selection guidance and financing of a single family home, Construction and rehabilitation assistance is available through our CHDO, Housing Opportunities Program, Inc. (HOP) to assist qualified low income families that would otherwise be difficult to finance at market rates.

Finally, the FWHA Homeownership program was recently reorganized to link the HCVP, FSS and Homeownership programs in continuum to add long stability to low income families' ability to sustain homeownership and to remain more resilient during economic downturns.

Attachment R

Fort Wayne Housing Authority Organizational Chart



Attachment S

VAWA Policy Statement



Housing Choice Voucher Program

Administrative Plan



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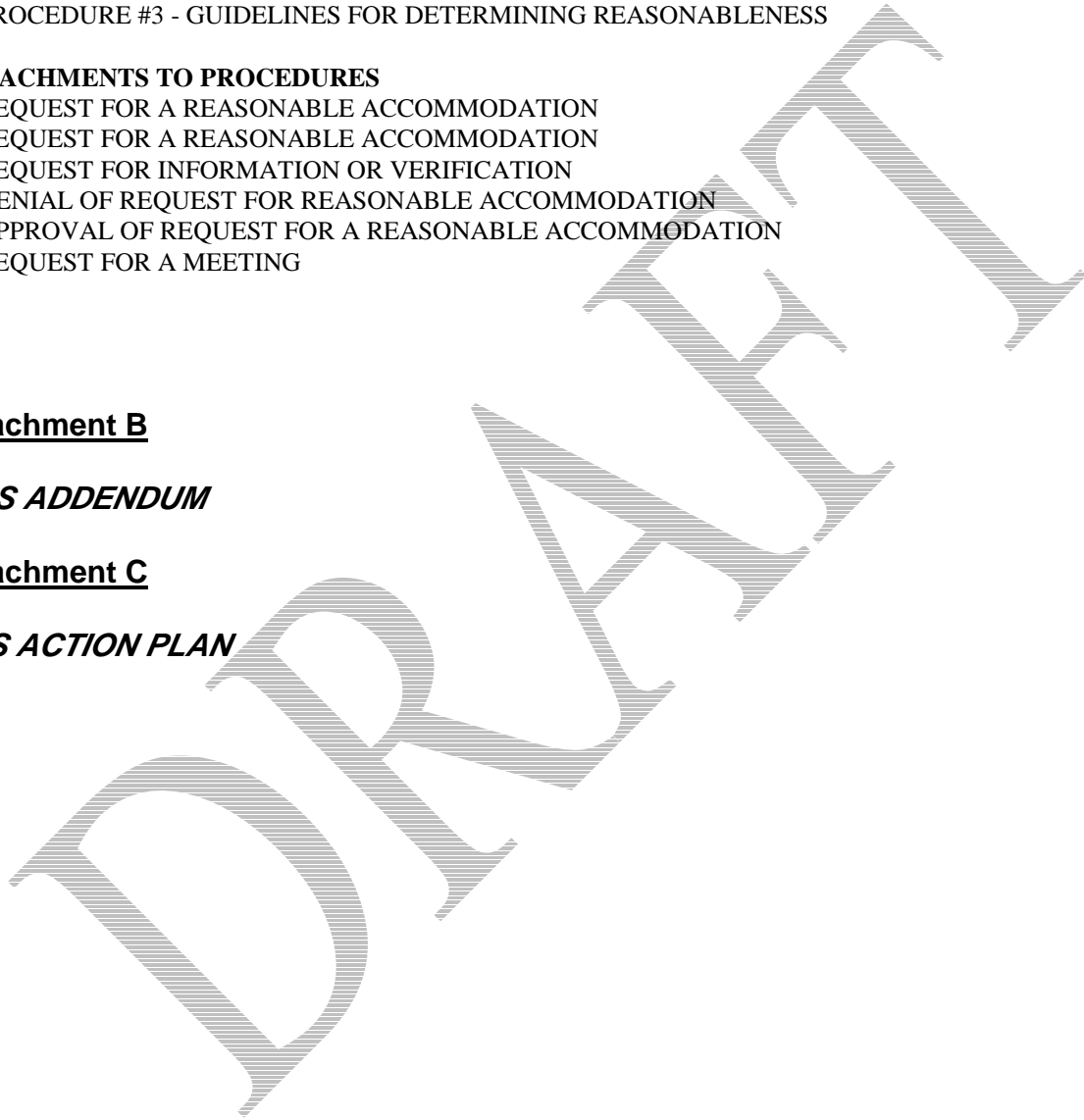
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Attachment B

HQS ADDENDUM

Attachment C

FSS ACTION PLAN



Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Housing Choice Voucher Program, are described in and implemented through this Administrative Plan.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (HA) staff shall be in compliance with the Fort Wayne Housing Authority's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the Fort Wayne Housing Authority is the City of Fort Wayne, Indiana and a five mile radius surrounding the City of Fort Wayne, Indiana, as long as there is not an incorporated entity within said radius.

A. HOUSING AUTHORITY MISSION STATEMENT

The mission of the Fort Wayne Housing Authority is to provide good quality, affordable housing and superior services to eligible members of the Fort Wayne Community, and to maintain an atmosphere which encourages self-sufficiency.

B. LOCAL OBJECTIVES [24 CFR 982.1]

Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, PHAs are strongly encouraged to identify quantifiable measures of success in reaching their objectives over the course of the 5 Years. (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

- PHA Goal: Expand the supply of assisted housing
Objectives:
 - Apply for additional rental vouchers per NOFA:
 - Maintain public housing vacancies below 3%:
 - Leverage private or other public funds to create additional housing opportunities:
 - Acquire or build LIHTC units or developments
 - Other:
 1. Acquire and rehabilitate minimum of 1-2 for sale housing obtained via tax sale and HUD owned properties annually.
 2. Promote Homeownership opportunities including the Self-Sufficiency and Section 8 Program.

- PHA Goal: Improve the quality of assisted housing
Objectives:
 - Maintain public housing management to High Performer Status: (2003 PHAS score) 93
 - Maintain voucher management: (2002 Score Waiver granted due to flood damage to Agency records.
 - Increase customer satisfaction. Continue to provide high-level customer service and measure customer satisfaction of primary and secondary customer, implement improvement plans as required.

- Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
 - Renovate or modernize public housing units:
 - Demolish or dispose of obsolete public housing:
 - Provide replacement public housing. Develop Replacement Housing Plan:
 - Provide replacement vouchers, apply per NOFA:
 - Other: Train staff in all aspects of property and program management.
- Maintain commitment to a high level usage of HTVN, Apartment Association, utilization of professional trainers, seminars, conferences and in-House seminars, etc. for staff training

- PHA Goal: Increase assisted housing choices

Objectives:

- Provide voucher mobility plan and options:
- Conduct outreach efforts to potential voucher landlords, increase landlord participation by 10% each year.
- Increase voucher payment standards as required, current standard at 110%. FWHA will explore getting HUD approval to go to 120% if necessary to increase voucher utilization.
- Increase the number of participants in voucher homeownership program to match demand and consistent with program resources:
- Implement public housing or other homeownership programs:
- Implement public housing site-based waiting lists:
- Convert public housing to vouchers:
- Other:
 1. Explore implementation of public housing site-based waiting lists.
 2. Following market analysis, explore converting public housing stock to vouchers.
 3. Actively seek new landlord participation in the Section 8 Voucher Program.
 4. Establish Project-based Section 8 Program

HUD Strategic Goal: Improve community quality of life and economic vitality

- PHA Goal: Provide an improved living environment

Objectives:

- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- Implement public housing security improvements:
- Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- Other:
 1. Perform necessary modifications to units and public housing sites to successfully compete with comparable market housing. Complete and implement a curb appeal improvement plan.

2. Apply sound asset management principles on an individual site basis to maintain and build the value of the property.
3. Explore the possibilities of designating developments or buildings for particular resident groups (elderly, persons with disabilities)

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- PHA Goal: Promote self-sufficiency and asset development of assisted households
Objectives:
 - Increase the number and percentage of employed persons in assisted families:
 - Provide or attract supportive services to improve assistance recipients' employability:
 - Provide or attract supportive services to increase independence for the elderly or families with disabilities.
 - Other: (list below)
 1. Pre/Post Occupancy Orientation and Training

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing
Objectives:
 - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
 - Other:
 1. Provide training opportunities for staff and community on an annual basis to promote equal opportunity in housing.

Other PHA Goals and Objectives: (list below)

The goals of FWHA as stated in the 5-Year Plan for Fiscal Years 2002 – 2006 are consistent with HUD strategic goals and the Consolidated Plan of the City of Fort Wayne to increase the availability of decent, safe, and affordable housing. FWHA 5-Year Plan is available for review at the City of Fort Wayne, Division of Community and Economic Development as well as the FWHA main office.

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives contained in the Agency Plan. The Plan covers both admission and continued participation in the Section 8 Housing Choice Voucher Program.

The Fort Wayne Housing Authority is responsible for complying with all changes in HUD regulations pertaining to the Section 8 Housing Choice Voucher Program. If such changes conflict with this Plan, HUD regulations will have precedence. The Fort Wayne Housing Authority will revise this Administrative Plan as needed to comply with changes in HUD regulations, and in accordance with HUD regulations. The original Administrative Plan and any changes must be approved by the Board of Commissioners. A copy of the Administrative Plan is given to HUD office in Indianapolis, Indiana.

This Administrative Plan is a supporting document to the Agency Plan, and is available for public review as required by 24 CFR 903.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

All expenditures from the administrative fee reserve will be approved by the Board of Commissioners or their approved designee and made in accordance with the approved budget.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD approved applications for program funding.

F. TERMINOLOGY

The Housing Authority of the City of Fort Wayne, Indiana is referred to as "HA" or "Housing Authority" throughout this document.

“Family” is used interchangeably with “Applicant” or “Participant” or “Household” and can refer to a single person family.

“Tenant” is used to refer to participants in terms of their relation to landlords.

“Landlord” and “owner” are used interchangeably.

“Disability” is used where “handicap” was formerly used.

“Non-citizens Rule” refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 program is also known as the “Housing Choice Voucher Program” and/or “Voucher Program.”

“HQS” means the Housing Quality Standards required by regulations as enhanced by the HA.

“Failure to Provide” refers to all requirements in the first Family Obligation. See Chapter 15, “Denial or Termination of Assistance.”

See Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the FWHA 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 FWHA’s programs.

To further its commitment to full compliance with applicable Civil Rights laws, the FWHA will provide Federal/State/local information to applicants/participants of the Section 8 Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing and Discrimination Complaint forms will be made available at the FWHA office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

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

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

It is the policy of the Fort Wayne Housing Authority to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the Fort Wayne Housing Authority will treat a person differently than anyone else. These policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on Fort Wayne Housing Authority forms. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the Fort Wayne Housing Authority, when we initiate contact with a family including when a family applies, and when we schedule or reschedules appointments of any kind. Please see Attachment A for the complete FWHA Reasonable Accommodations Policy.

Verification of Disability

The Fort Wayne Housing Authority will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

I. TRANSLATION OF DOCUMENTS

The Fort Wayne Housing Authority has bilingual staff to assist Spanish speaking families. Families who speak other languages must request accommodation in order for documents to be translated or a translator to be present at a briefing or meeting.

In determining whether it is feasible to provide translation of documents written in English into other languages, the Fort Wayne Housing Authority will consider the following factors:

Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.

Estimated cost per client of translation of English written documents into the other language.

The availability of local organizations to provide translation services to non English speaking families.

Availability of bilingual staff to provide translation for non-English speaking families.

J. MANAGEMENT ASSESSMENT OBJECTIVES

The Fort Wayne Housing Authority operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the HA is using its resources in a manner that reflects its commitment to quality and service. The HA policies and practices are consistent with the goals and objectives of the following HUD SEMAP indicators.

1. Selection from the Waiting List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. FMR/exception rent & Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family self-sufficiency Enrollment and Escrow Account Balances
15. Bonus Indicator (Deconcentration)

K. RECORDS FOR MONITORING HA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the HA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the HA's operational procedures objectively and with accuracy.

Records and reports will be maintained for the purpose of:

Demonstrating that at least 98% of families were selected from the waiting list in accordance with the Admin Plan policies and met the correct selection criteria.

Determining that at least 98% of randomly selected tenant files indicate that the HA approved reasonable rents to owner at the time of initial lease-up and before any increase in rent.

Monitoring HA practices for obtaining income information, proper calculation of allowances and deductions, and utility allowances used to determine adjusted income for families.

Demonstrating that the HA has analyzed utility rates locally to determine if there has been a change of 10% or more since the last time the utility schedule was revised.

Determining that during the fiscal year the HA performs supervisory HQS quality control inspections for at least 5% of all units under contract.

Determining that a review of selected files indicate that for at least 98% of failed inspections, the HA ensures timely correction of HQS deficiencies or abates HAPs or takes vigorous action to enforce family obligations.

Demonstrating that the HA provides families and owners information which actively promotes the Deconcentration of assisted families in low-income neighborhoods.

Demonstrating that at least 90% of units newly leased have an initial gross rent which does not exceed the FMR, and Voucher payment standards are not less than 80% of the current FMR/exception rent limit unless otherwise approved by HUD.

Demonstrating that 96-100% of reexams are processed on time.

Demonstrating that less than 2% of all tenant files have rent calculation discrepancies.

Demonstrating that 100% of newly leased units passed HQS inspections before HAP contract date.

Demonstrating that the HA performs annual HQS inspections on time for 100% of all units under contract.

Demonstrating that the HA leases 100% of budgeted units during the fiscal year.

Determining that the HA has filled 100% of its FSS slots

Demonstrating that at least 30% of the HA's FSS participants have escrow account balances.

L. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/HA will release family information.

The HA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential". The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Section 8 Director.

The HA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

HA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

M. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

The Fort Wayne Housing Authority will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the waiting list is open, the Fort Wayne Housing Authority will publicize the availability and nature of housing assistance for very low income families on the FWHA website and in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons who cannot read the newspapers, the Fort Wayne Housing Authority will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The Fort Wayne Housing Authority will also utilize public service announcements.

The Fort Wayne Housing Authority will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

N. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

The Fort Wayne Housing Authority encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. The Fort Wayne Housing Authority maintains a book of units available for the Section 8 Program and updates this list at least monthly. When listings from owners are received, they will be compiled by bedroom size.

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The books are available for review at the Fort Wayne Housing Authority main Administrative offices during regular business hours.

Fort Wayne Housing Authority staff initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

The Fort Wayne Housing Authority actively participates in community based organization(s) comprised of private property and apartment owners and managers.

The Housing Authority will actively recruit suburban property owners.

The Fort Wayne Housing Authority encourages program participation by owners of units located outside areas of poverty or minority concentration. The Housing Authority periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choice and better housing opportunities to families. Housing Choice Voucher holders are informed of the full range of areas where they may lease units inside the Fort Wayne Housing Authority jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration

The Fort Wayne Housing Authority conducts periodic meetings with participating owners to improve owner relations and to recruit new owners.

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Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD's and the Fort Wayne Housing Authority's criteria for admission and denial of admission to the program. The policy of the Fort Wayne Housing Authority is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The FWHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the Fort Wayne Housing Authority pertaining to their eligibility.

Eligibility Factors

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the Fort Wayne Housing Authority.

The HUD eligibility criteria are:

An applicant must be a "family"

An applicant must be within the appropriate Income Limits

An applicant must furnish Social Security Numbers for all family members age six and older

An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required

At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the FWHA may provide any financial assistance.

For the Fort Wayne Housing Authority's additional criteria for eligibility, see Section E, "Other Criteria for Admission."

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Housing Choice Voucher, unless the Fort Wayne Housing Authority determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

A. FAMILY COMPOSITION [24 CFR 5.403, 982.201]

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

Two or more persons who intend to share residency whose income and resources are available to meet the household's needs.

Two or more elderly or disabled persons living together, or one or more elderly, near elderly or disabled persons living with one or more live-in aides.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A family may also include:

- A family with or without children;
- The remaining member of a tenant family;
- A displaced family;
- A disabled family;
- Any single person that is:
 - An elderly person
 - A displaced Person
 - A person with a disability
 - Any "other single" person

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law will be recognized as head of household.

Spouse of Head of Household

Spouse means the husband or wife of the head of household.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, and would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head of Household

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

Is determined by the Housing Authority to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,

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

Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

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

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

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A Live in Aide may only reside in the unit with the approval of the Housing Authority. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

Verification must include the hours the care will be provided.

At any time, the Housing Authority will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the Fort Wayne Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Certificate/Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the Fort Wayne Housing Authority will provide assistance to the person listed as head of household at the time the preliminary application was submitted. The remaining members will be permitted to submit another preliminary application. That application will be placed on the waiting list based upon the date and time it is received. All other eligibility rules, regulations and policies will apply.

In cases where domestic violence played a role, the abuser will be denied placement on the waiting list and the standard used for verification will be the same as that required for the "displaced due to domestic violence" preference. If the abuser was listed as head of household, another adult in the household may request that they be named head of household as the remaining family member.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

B. INCOME LIMITATIONS [24 CFR 982.201, 982.353]

In order to be eligible for assistance, an applicant must:

Have an annual income at the time of admission that does not exceed the very low-income limits for occupancy established by HUD.

The Quality Housing and Work responsibility Act of 1998 authorizes the Fort Wayne Housing Authority to admit families whose income does not exceed the low-income limit (80% of median area income) provide that the Fort Wayne Housing Authority has included this part of the admissions policy in the PHA Annual Plan.

Or be either:

A low-income family in any of the following categories:

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of certificate/voucher issuance. Programs include public housing, all Section 8 programs, and all Section 23 programs.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.

A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

A low-income family residing in a HUD-owned multifamily rental housing project when the project is sold, foreclosed or demolished by HUD. (Certificate program only.)

To determine if the family is income-eligible, the Housing Authority compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

As a "*Single Jurisdiction*" Housing Authority, this is the only applicable income limit used at initial issuance of a certificate or voucher.

Portability: For initial lease-up, families who exercise portability must be within the very low income limit for the jurisdiction of the receiving HA in which they want to live. The low income limit is defined as 80% of median income.

Participant families who exercise portability, and request or require a change in their form of assistance, must be within the low income limit of the receiving Housing Authority if they are to receive the alternate form of assistance.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

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

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

All members ineligible. Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status before Admission

The Fort Wayne Housing Authority will not provide assistance to any household prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

E OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

The Fort Wayne Housing Authority will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

The family must have had assistance denied or terminated for violation of any family obligation during a previous participation in the Section 8 Program, Public Housing Program and/or any other housing assistance program defined in the 1937 Housing Act (as amended) for 5 years prior to placement on the Section 8 waiting list.

No family member may have been evicted from public or assisted housing for any reason during the last 5 years prior to placement on the Section 8 waiting list.

The Fort Wayne Housing Authority will make an exception, if the family member who violated the family obligation is not a current member of the household on the application and the head of household certifies that the member will not be added to the household.

The family must pay any outstanding debt owed the Fort Wayne Housing Authority or another Housing Agency/Authority as a result of prior participation in any federal housing program prior to placement on the waiting list.

The Fort Wayne Housing Authority will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in Chapter 15, Section B. At no time will an applicant be admitted to the Fort Wayne Housing Authority Section 8 Housing Choice Voucher Program if the applicant or any member of the applicant household has ever engaged in the sale, manufacture and/or distribution of any controlled illegal substances.

The Fort Wayne Housing Authority also submits a computer matching check to the State of Indiana Department of Work Force Development. The check provides a detailed summary of the applicants work/benefit history. This check is conducted prior to determining final eligibility and at least once each year at annual reexamination.

F. SUITABILITY OF FAMILY [24 CFR 982.202(b)(1)]

The Fort Wayne Housing Authority will take into consideration any of the criteria for admission in Chapter 15, but may not otherwise screen for factors which relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

The Fort Wayne Housing Authority will advise families how to file a complaint if they feel that they have been discriminated against by an owner. The Housing Authority will advise the family to make a Fair Housing complaint. FWHA, at its own discretion could also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Metropolitan Human Relations Commission..

G. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a certificate or voucher and lease up may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will no longer be eligible for the program. They will be notified in writing of their ineligible status and their right to an informal review.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See Chapter 19, "Complaints and Appeals" for additional information about reviews and hearings.

I. PROHIBITED ADMISSION CRITERIA [982.202(b)]

Admission to the program may not be based on:

Where a family lives prior to admission to the program.

Where the family will live with assistance under the program.

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.

Discrimination because a family includes children.

Whether a family decides to participate in a family self-sufficiency program.

Reserved

Chapter 3

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the Fort Wayne Housing Authority is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the Housing Authority will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this approved Administrative Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit the Housing Authority to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any one of the Housing Authority's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability. If a language other than English is required, accommodation will be made.

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

Applications will be mailed to interested families upon request.

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a preapplication). This first phase results in the family's placement on the waiting list.

The preliminary application will be dated, time stamped and referred to the Intake Section where it will be maintained until such time as it is needed for processing.

The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the Housing Authority ensures that verification of all HUD and FWHA eligibility factors are current (within 60 days) in order to determine the family's eligibility for the issuance of a certificate or voucher.

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]

When the Fort Wayne Housing Authority closes its entire waiting list, or any part of its waiting list, public notice concerning the closing of the entire list, or any part of the list will be placed in the daily newspaper. Notice will be posted in the rental offices of the Fort Wayne Housing Authority public housing sites as well as the main offices.

When the Fort Wayne Housing Authority opens or reopens its entire waiting list, or any part of its waiting list, public notice that families may apply for assistance will be placed in the daily newspaper. The public notice will state where and when to apply.

Limits on Who May Apply

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

When the application is received by the Fort Wayne Housing Authority, it establishes the family's date and time of application for placement order on the waiting list.

C. "INITIAL" APPLICATION PROCEDURES [24 CFR 982.204(b)]

The Fort Wayne Housing Authority will utilize a preliminary application form (pre-application). The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format, including foreign languages, when the translation can be readily acquired (so as not to cause a delay in the submission of the preliminary application).

The purpose of the preapplication is to permit the Fort Wayne Housing Authority to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The preapplication will contain questions designed to obtain the following information:

- Names of adult members and age of all members
- Sex and relationship of all members
- Street Address and phone numbers
- Mailing Address (If PO Box or no other permanent address)

- Amount(s) and source(s) of income received by household members
- Information regarding disabilities to determine qualifications for allowances and deductions
- Information related to qualification for preferences
- Social Security Numbers
- Race/ethnicity
- Citizenship/eligible immigration status
- Arrests for Drug Related or Violent Criminal Activity
- Request for Specific Accommodation needed to fully utilize program and services
- Previous address
- Current and previous landlords names and addresses
- Emergency contact person and address
- Program integrity questions regarding previous participation in HUD programs

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

Ineligible families will not be placed on the waiting list.

Preapplications will not require an interview. The information on the preliminary application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

D. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Applicants are required to inform the Fort Wayne Housing Authority in writing with 10 days of changes in address. Applicants are also required to respond to requests from the Housing Authority to update information on their application and to determine their interest in assistance.

If after a review of the preapplication the family is determined to be preliminarily eligible, they will be notified in writing or in an accessible format upon request, as a reasonable accommodation.

The notice will contain the approximate date that assistance may be offered, and will further explain that the estimated date is subject to factors such as turnover and available funding.

This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the preapplication, the Housing Authority will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. See Chapter 19, "Complaints and Appeals."

E. TIME OF SELECTION [24 CFR 982.204, 5.410]

When funding is available, families of the accepted applications are held in a pool, and FWHA will conduct drawing throughout a 12-month period using a computer-based, random selection procedure.

Based on the turnover rate and the availability of funding, groups of families will be randomly selected from a "pool." All eligible applicants in the "pool" will be offered assistance.

F. COMPLETION OF A FULL APPLICATION

The Fort Wayne Housing Authority utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other Housing Authority services or programs which may be available.

All adult family members are required to attend the interview and sign the housing application. Exceptions may be made for students attending school and who are not permanent residents of the assisted household. Students will be required to sign the housing application. The head of household is responsible for obtaining and returning all required signatures.

If any adult is unable to attend the interview, the head of household or designee may take the required documents to the family member(s) unable to attend. All documents must be completed and returned to the Fort Wayne Housing Authority within ten (10) working days.

It is the applicant's responsibility to reschedule the interview if s/he prior to the scheduled appointment. If the applicant does not reschedule prior to the scheduled time or misses one scheduled meetings, the preliminary application will be removed from the waiting list in accordance with all applicable HUD regulations and this Administrative Plan. If requested in a timely manner, the applicant will be given the opportunity for an Informal Review (see Chapter 18, "Complaints and Appeals").

If an applicant fails to appear for their interview without prior approval of the HA, their application will be denied unless they can provide acceptable documentation to the HA that an emergency prevented them from calling.

Reasonable accommodation will be made for persons with a disability who requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability. ALL FWHA INTERVIEWS ARE CONDUCTED IN OFFICES/LOCATIONS THAT ARE ACCESSIBLE.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See Chapter 19, "Complaints and Appeals.")

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the Housing Authority, the declarations and consents related to citizenship/immigration status and any other documents required by the Housing Authority. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the Fort Wayne Housing Authority.

If the Fort Wayne Housing Authority determines at or after the interview that additional information or document(s) are needed, the Housing Authority will request the document(s) or information. The family will be given ten (10) working days to supply the information.

If the information is not supplied in this time period, the Fort Wayne Housing Authority will provide the family a notification of denial for assistance. (See Chapter 19, "Complaints and Appeals.")

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in Chapter seven. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of a Housing Choice Voucher.

H FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the Fort Wayne Housing Authority will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the Housing Authority, and the current eligibility criteria in effect. If the family is determined to be eligible, the Housing Authority will mail a notification of eligibility. A briefing will be scheduled for the issuance of a Housing Choice Voucher and the family's orientation to the housing program.

Reserved

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Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the Fort Wayne Housing Authority's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

When funding is available, families of the accepted applications are held in a pool, and FWHA will conduct drawing throughout a 12-month period using a computer-based, random selection procedure.

Based on the turnover rate and the availability of funding, groups of families will be randomly selected from a "pool." All eligible applicants in the "pool" will be offered assistance.

By maintaining an accurate waiting list, the Fort Wayne Housing Authority will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. WAITING LIST [24 CFR 982.204]

Except for Special Admissions, applicants will be selected from the HA waiting list in accordance with policies in this Administrative Plan.

The HA will maintain information that permits proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant Name
- Family Unit Size (number of bedrooms family qualifies for under HA subsidy standards)
- Date and time of application
- Qualification for any ranking or local preference
- Racial or ethnic designation of the head of household
- Singles preference status

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be a permanent file.
2. All applicants in the pool will be maintained in the order randomly selected procedure.
3. All applicants must meet "Very Low Income" eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 2, "Eligibility for Admission," must have been approved previously by the HUD Field Office.

Special Admissions [24 CFR 982.54(d)(e), 982.203]

Applicants who are admitted under Special Admissions, rather than from the waiting list, are maintained on separate waiting lists. These applicants may be on more than one waiting list for any assistance offered by the Fort Wayne Housing Authority.

B. WAITING LIST PREFERENCES [24 CFR 982.207]

Project Based Voucher Program

When funding is available, families of the accepted applications are held in a pool, and FWHA will conduct drawing throughout a 12-month period using a computer-based, random selection procedure.

Based on the turnover rate and the availability of funding, groups of families will be randomly selected from a "pool." All eligible applicants in the "pool" will be offered assistance.

C. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards an HA program funding that is targeted for specifically named families, the HA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The HA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

E. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are maintained on separate waiting lists.

The Fort Wayne Housing Authority currently administers the Family Unification Program as it's only "Targeted" Program. Application has been made for Mainstream for Persons with Disabilities and the Welfare to Work Program. If awarded, these or any other "Targeted" Programs will be administered in accordance with the HUD requirements and the policies defined in this administrative plan.

Change in Circumstances

Applicants are required to notify the HA in writing when their circumstances change.

F. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The Waiting List will be purged approximately once every 18 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant which require a response will state that failure to respond within ten (10) working days will result in the applicant's name being dropped from the waiting list.

An extension of ten (10) working days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If an applicant fails to respond to a mailing from the HA, the applicant will be sent written notification and given no less than ten (10) working days to contact the FWHA in writing to request an informal review. If they fail to respond within the designated time they will be removed from the waiting list.

If the applicant did not respond to the HA request for information or updates because of a family member's disability, the HA will reinstate the applicant in the family's former position on the waiting list.

If a letter is returned by the Post Office, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Section 8 HCVP Director determines there were circumstances beyond the person's control. The following exceptions, if determined to exist, will be acceptable to warrant reinstatement:

- HA error when entering address or other information into the computerized waiting list.
- Hospitalization, with documentation from a medical professional stating that the applicant was unable to respond.
- Other reasonable explanations that can be documented. Incarceration is not considered a valid reason for non-compliance.

Reserved

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Chapter 5

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that HA's establish subsidy standards for the determination of bedroom size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards which will be used to determine the subsidy available to various sized families when they are selected from the waiting list, as well as the Fort Wayne Housing Authority's procedures when a family's size changes, or a family selects a unit size that is different from the available subsidy.

A. DETERMINING FAMILY UNIT SIZE [24 CFR 982.402]

The Fort Wayne Housing Authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards, an adult is a person 18 years or older.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, the Fort Wayne Housing Authority assigns one bedroom to two people within the following guidelines:

Persons of different generations (defined as ten (10) or more years difference based upon the year of birth).

Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship).

Foster children will be included in determining unit size.

Live-in Aide will generally be provided a separate bedroom. No additional bedrooms are provided for the aide's family.

Space may be provided for a child who is away at school but who lives with the family during school recesses. To qualify for the additional bedroom, the student MUST be listed as a family member.

Space will not be provided for a family member, who will be absent most of the time, such as a member who is away in the military.

Single person families shall be allocated one bedroom. Single pregnant households shall be allocated two bedrooms.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Voucher Size	Persons in Household (Minimum #)	Persons in Household (Maximum #)
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4-Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

B. EXCEPTIONS TO SUBSIDY STANDARDS ((24 CFR 982.403(a) & (b))

The Fort Wayne Housing Authority shall grant exceptions from the subsidy standards if the family requests and the Housing Authority determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The Fort Wayne Housing Authority will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

Verified medical or health reason; or
Elderly persons or persons with disabilities who may require a live-in attendant.

Request for Exceptions to Subsidy Standards

The family may request a larger sized voucher than indicated by the subsidy standards. Such request must be made in writing within ten 10 working days of the Fort Wayne Housing Authority's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

The Fort Wayne Housing Authority will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

Requests based on health related reasons must be verified by a medical professional.

HA Error

If the Fort Wayne Housing Authority errors in the bedroom size designation, the family will be issued a Voucher of the appropriate size so that the family is not penalized.

Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to the subsidy standards. If an applicant requires a change in the voucher size, the above references guidelines will apply.

Changes for Participants

The members of the family residing in the unit must be approved by the Fort Wayne Housing Authority. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the Fort Wayne Housing Authority within ten (10) working days. The above referenced guidelines will apply.

Underhoused and Overhoused Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the Fort Wayne Housing Authority will issue a new Voucher and assist the family in locating a suitable unit provided the family's landlord will allow the family to move.

C. UNIT SIZE SELECTED

The family may select a different size dwelling than that listed on the Voucher. There are three criteria to consider:

1. **Subsidy Limitation:** The Housing Authority will apply the Payment Standard for the smaller of (1) the bedroom size shown on the Voucher or (2) the size of the actual unit selected by the family.
2. **Utility Allowance:** The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.
3. **Housing Quality Standards:** The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

	<u>Maximum # in Household</u>
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10

5 Bedrooms
6 Bedrooms

12
14

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Reserved

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Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION

[24 CFR Part 5, Subparts E and F; 982.153, 982.317, 982.551]

INTRODUCTION

The Fort Wayne Housing Authority will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The policies in this Chapter address those areas which allow discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from Annual Income:

1. Dependent Allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. Elderly/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.
3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
4. Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
5. Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

"Minimum Rent" and Minimum Family Contribution

"Minimum rent" in the Section 8 Housing Choice Voucher Program is \$30.00. Minimum rent includes the combined amount (TTP) a family pays towards rent and/or utilities.

B DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES [24 CFR 5.617; 982.201(b)(3)]

The annual income for qualified disabled families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A disabled family qualified for the earned income exclusion is a disabled family that is receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least \$500.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Amounts to be excluded are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Initial Twelve-Month Exclusion

During the cumulative 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion and Phase-in

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four Year Disallowance

The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Applicability to Child Care and Disability Assistance Expense Deductions

The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for disabled families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

Date the increase in earned income was reported by the family

Name of the family member whose earned income increased

Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income

Amount of the increase in earned income (amount to be excluded)

Date the increase in income is first excluded from annual income

Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if any)

Date the family member has received a total of 12 months of the initial exclusion

Date the 12-month phase-in period began

Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)

Date the family member has received a total of 12 months of the phase-in exclusion

Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of disabled families who are participants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

[24 CFR 982.54(d)(10), 982.317, 982.551]

The Fort Wayne Housing Authority must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease, must be counted.

Temporarily absent is defined as away from the unit for not more than 180 days

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report all changes in family composition.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 6 consecutive months or 180 days in a 12 month period except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the Fort Wayne Housing Authority will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the "Absence of Entire Family" policy, defined on page 6 - 10 of this chapter.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Housing Choice Voucher size.

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 6 consecutive months or 180 days in a twelve month period.

If the incarceration is determined to be for drug-related or violent criminal activity, the Family Obligations will be enforced in accordance with the HUD regulations and this approved Administrative Plan.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the Fort Wayne Housing Authority will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than six (6) months from the date of removal of the child/ren, the Housing Choice Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the Fort Wayne Housing Authority will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the Housing Authority in writing before they move out of a unit and to give information about any family absence from the unit.

Families must notify the Fort Wayne Housing Authority in writing if they are going to be absent from the unit for more than ten (10) consecutive days.

If the entire family is absent from the assisted unit for more than 180 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

If it is determined that the family is "permanently" absent from the unit, the assistance payments will not continue.

HUD regulations require the HA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the Fort Wayne Housing Authority may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Conduct an on-site visual inspection
- Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and it can verify that the person was unable to notify the Fort Wayne Housing Authority in accordance with the family's responsibilities, and if funding is available, the family may be reinstated as an accommodation if requested by the family.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the Fort Wayne Housing Authority will treat that adult as a visitor for the first 30 calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Housing Choice Voucher assistance will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the Fort Wayne Housing Authority will review the status at 90 day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the Fort Wayne Housing Authority will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period, the Fort Wayne Housing Authority will state in writing that the transfer of the Housing Choice Voucher is for that limited time or as long as they have custody of the children. The Fort Wayne Housing Authority will use discretion as deemed appropriate in determining any further assignment of the Certificate or Voucher on behalf of the children.

When the Fort Wayne Housing Authority approves a person to reside in the unit as caretaker for the child/ren, the income should be counted pending a final disposition. The Fort Wayne Housing Authority will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than six (6) months, the person will be considered permanently absent.

Visitors

Any adult not included on the form HUD-50058 who has been in the unit more than ten (10) consecutive days without HA approval, or a total of 30 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the HA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 180 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 182 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and HA

Reporting changes in household composition to the Housing Authority is both a HUD and a Fort Wayne Housing Authority requirement.

The family obligations require the family to request Fort Wayne Housing Authority approval to add any other family member as an occupant of the unit and to inform the HA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the Fort Wayne Housing Authority, any person the family has permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the Fort Wayne Housing Authority in writing within ten (10) working days of the maximum allowable time.

Families are required to report any additions to the household in writing to the Fort Wayne Housing Authority within ten (10) working days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Reporting Absences to the HA

Reporting changes in household composition is both a HUD and a Fort Wayne Housing Authority requirement.

If a family member leaves the household, the family must report this change to the Fort Wayne Housing Authority, in writing, within ten (10) working days of the change and certify as to whether the member is temporarily absent or permanently absent.

The Fort Wayne Housing Authority will conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy.

D. AVERAGING INCOME

The Fort Wayne Housing Authority contracts with the Indiana State Department of Work Force Development (the State Wage and Information Collection Agency (SWICA)). The U. S. Department of Housing and Urban Development (HUD) provides Enterprise Income Verification (EIV) and the Department of Workforce Development provides wage and claim information from all reported sources on a quarterly basis. This amount includes bonuses and/or overtime.

By averaging, an estimate of the projected income can be made for all participating families and limit the number of interim adjustments necessary throughout the year.

When annual income can not be anticipated using the SWICA information, verifications will be mailed to all know sources of income for the coming year.

E. MINIMUM INCOME

There is no minimum income requirement. However, households who report zero income are required to complete a written certification every 90 days. These households must provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc. If the household expenses exceed the known income, the Fort Wayne Housing Authority will inquire as to the nature or availability of the household resources.

F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

[24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the Fort Wayne Housing Authority will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family the Fort Wayne Housing Authority will exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

G. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every month or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$50.00 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter 7, "Verification Procedures," for further definition.)

If the family's expenses exceed its known income, the Fort Wayne Housing Authority will question the family about contributions and gifts.

H. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the Fort Wayne Housing Authority will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The Fort Wayne Housing Authority will accept as verification that the family is receiving an amount less than the award if:

The Fort Wayne Housing Authority receives verification from the agency responsible for enforcement or collection.

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

I. LUMP-SUM RECEIPTS [24 CFR 5.609]

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 or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

The Fort Wayne Housing Authority uses a calculation method which calculates retroactively or prospectively depending on the circumstances.

The Fort Wayne Housing Authority will calculate prospectively if the family reported the payment within ten (10 working days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

1. The entire lump-sum payment will be added to the annual income at the time of the interim.
2. The Fort Wayne Housing Authority will determine the percent of the year remaining until the next annual recertification as of the date of the interim
3. At the next annual recertification, the Fort Wayne Housing Authority will apply the percentage balance to the lump sum and add it to the rest of the annual income.
4. The lump sum will be added in the same way for any interims which occur prior to the next annual recertification.

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Retroactive Calculation Methodology

1. The Fort Wayne Housing Authority will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
2. The Fort Wayne Housing Authority will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the Fort Wayne Housing Authority.

The family has the choice of paying this "retroactive" amount to the Fort Wayne Housing Authority in a lump sum, or may enter into a Repayment Agreement.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

J. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

[24 CFR 5.603(d)(3)]

The Fort Wayne Housing Authority must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The Fort Wayne Housing Authority will count the difference between the market value and the actual payment received in calculating total assets.

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

The Fort Wayne Housing Authority's minimum threshold for counting assets disposed of for less than Fair Market value is \$5000.00. If the total value of assets disposed of within a one-year period is less than \$5000.00, they will not be considered an asset.

L. CHILD CARE EXPENSES [24 CFR 5.603]

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered *unable* to care for the child include:

The abuser in a documented child abuse situation, or

A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Allowability of deductions for child care expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

M. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription, doctor recommended medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

The patient portion of any payment for acupuncture, acupressure and related herbal medicines, and chiropractic services will be considered allowable medical expenses if covered by the family's Medicare, Medicaid, or private health insurance coverage.

N. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter 12, "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

O. REDUCTION IN BENEFITS

If the family's benefits, such as social security, SSI or TANF, are reduced through no fault of the family, the HA will use the net amount of the benefit.

If the family's benefits were reduced due to family error, omission, or misrepresentations, the Fort Wayne Housing Authority will use the gross amount of the benefit.

P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The PHA will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

fraud by a family member in connection with the welfare program; or

failure to participate in an economic self-sufficiency program; or

noncompliance with a work activities requirement

However, the PHA will reduce the rental contribution if the welfare assistance reduction is a result of:

The expiration of a lifetime time limit on receiving benefits; or

A situation where a family member has not complied with other welfare agency requirements; or

A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment, such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution.

Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The welfare agency, at the request of the PHA, will inform the PHA of:

- amount and term of specified welfare benefit reduction for the family;
- reason for the reduction; and
- subsequent changes in term or amount of reduction.

Cooperation Agreements

The Fort Wayne Housing Authority has a written cooperation agreement in place with the local welfare agency. Among other things, the cooperation agreement outlines the information to be shared between agencies, including information regarding welfare sanctions.

The Fort Wayne Housing Authority has taken a proactive approach to develop an effective working relationship between the agencies for the purpose of targeting economic self-sufficiency programs throughout the community that are available to Section 8 and public housing residents.

Q. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 982.153, 982.517]

The Fort Wayne Housing Authority will maintain an up-to-date utility allowance schedule.

The utility allowance is intended to assist with the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

An allowance for tenant-paid air conditioning will be provided in those cases where housing units in the market have central air conditioning

The HA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Housing Choice Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the Fort Wayne Housing Authority will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 10 year period.

Where the Utility Allowance exceeds the family's Total Tenant Payment, the Fort Wayne Housing Authority will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant. At its option, the Fort Wayne Housing Authority may at any time, after notice to the affected tenants, make the Utility Reimbursement Payment directly to one or more utility companies.

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Chapter 7

VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the Housing Authority. Fort Wayne Housing Authority staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible. Applicants and program participants must provide true and complete information to the Housing Authority whenever information is requested. The verification requirements are designed to maintain program integrity. This Chapter explains the procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The Fort Wayne Housing Authority will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The HA will verify information through the the following methods of verification acceptable to HUD in the following order:

1. EIV
2. TASS
3. Work Number
4. SWIKA
5. Third-Party Written
6. Third-Party Oral
7. Review of Documents
8. Certification/Self-Declaration

The Fort Wayne Housing Authority will allow at least two (2) business weeks for return of third-party verifications and two (2) business weeks to obtain other types of verifications before going to the next method. When third party verification cannot be obtained, the file will be documented with the reason(s).

For applicants, verifications may not be more than 60 days old at the time of Certificate/Voucher issuance.

Third Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third party verification forms will not be hand carried by the family under any circumstances.

The Fort Wayne Housing Authority will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

Social Security Administration
Veterans Administration
Welfare Assistance
Unemployment Compensation Board
City or County Courts

The Housing Authority may send requests for third party written verifications to the source at all times regardless of whether the family provides a computerized printout.

Third Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete the approved FWHA verification form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the Fort Wayne Housing Authority will compare the information to any documents provided by the Family. If provided by telephone, the Fort Wayne Housing Authority must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two (2) weeks, the Fort Wayne Housing Authority will note the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed.

The Fort Wayne Housing Authority will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer (i.e. W-2)
- Signed letters (provided that the information is confirmed by phone)
- Submitted annual tax returns (submission date must not be older than 90 before the verification date and the all adults on the return must provide an additional self-certification letter)
- Other documents noted in this Chapter as acceptable verification

The Fort Wayne Housing Authority will accept faxed documents.

The Fort Wayne Housing Authority will accept photo copies.

The Fort Wayne Housing Authority will accept emailed and other electronic media documents.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the Fort Wayne Housing Authority will utilize the third party verification.

The Fort Wayne Housing Authority will not delay the processing of an application beyond 4 weeks because a third party information provider does not return the verification in a timely manner.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement or other signed certification.

B. RELEASE OF INFORMATION [24 CFR 5.230]

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the HA or HUD.

C. COMPUTER MATCHING

The Fort Wayne Housing Authority has a signed agreement with the Indiana State Department of Workforce Development to provide State wage and claim information. Information received directly from the Department of Workforce Development will always supersede any other third party verification, documents viewed or other form of verification.

The Fort Wayne Housing Authority also utilizes the Tenant Eligibility Verification System (TEVS) in the Internet format. TEVS is used to obtain Social Security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration.

Income Discrepancies

HUD conducts a computer matching initiative to independently verify resident income. HUD can access income information and compare it to information submitted by PHA's on the 50058 form. HUD can disclose Social Security information to Housing Authorities, but is precluded by law from disclosing Federal tax return data. If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the Fort Wayne Housing Authority (24 CFR 5.240). HUD's letter to the family will also notify the family that HUD has notified the Fort Wayne Housing Authority in writing of the discrepancy.

When the Fort Wayne Housing Authority receives notification from HUD that a family has been sent an "income discrepancy" letter, the following actions will occur:

Wait 40 days after the date of notification before contacting tenant.

After 40 days following the date of notification, the PHA will contact the tenant by mail asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

The Fort Wayne Housing Authority will document the contact in the tenant's file, including a copy of the letter to the family.

When the family provides the required information, the PHA will verify the accuracy of the income information received from the family, review the PHA's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, and based on the information.

If the amount of unreported income exceeds \$2,500, the Fort Wayne Housing Authority will seek to terminate assistance.

If tenant fails to respond:

The Fort Wayne Housing Authority will ask HUD to send a second letter.

After an additional 40 days, the Fort Wayne Housing Authority will ask HUD to send a third letter.

After an additional 40 days, the Fort Wayne Housing Authority will send a letter to the head of household, warning of the consequences if the family fails to make contact within two weeks.

If the tenant claims a letter from HUD was not received:

The Fort Wayne Housing Authority will ask HUD to send a second letter with a verified address for the tenant.

After 40 days, the Fort Wayne Housing Authority will contact the tenant family.

If the tenant family still claims they have not received a letter, the Fort Wayne Housing Authority will ask HUD to send a third letter.

After an additional 40 days, the Fort Wayne Housing Authority will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant family fails to meet with the Fort Wayne Housing Authority or will not sign the IRS forms, a warning letter will be sent to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the Fort Wayne Housing Authority and/or sign forms.

If tenant does receive a discrepancy letter from HUD:

The Fort Wayne Housing Authority will set up a meeting with the family.

If the family fails to attend the meeting, the Fort Wayne Housing Authority will reschedule the meeting.

If the family fails to attend the second meeting, the Fort Wayne Housing Authority will send a termination warning.

The family must bring the original HUD discrepancy letter to the Fort Wayne Housing Authority.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter:

The Fort Wayne Housing Authority will ask the tenant to provide documented proof that the tax data is incorrect.

If the tenant does not provide documented proof, the Fort Wayne Housing Authority will obtain proof to verify the Federal tax data using third party verification.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

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

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

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members over 6 years of age or older who have been issued a social security number.

"Preference" status

Marital status when needed for head or spouse definition.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the Fort Wayne Housing Authority will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year to date earnings

Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. Enterprise Income Verification (EIV)
2. Indiana Department of Workforce Development computer matching verification.
3. Employment verification form completed by the employer.
4. Check stubs (6 consecutive) or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
5. W-2 forms plus income tax return forms.
6. Income tax returns and/or W-2 forms signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the Housing Authority will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. TEVS Report.
2. Benefit verification form completed by agency providing the benefits.
3. Award or benefit notification letters prepared and signed by the providing agency.
4. Computer report/award letter from the source and provided by the family.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Indiana Department of Workforce Development computer matching report.
2. Verification form completed by the unemployment compensation agency.
3. Computer printouts from unemployment office stating payment dates and amounts.
4. Check stubs from the benefit payment.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. Fort Wayne Housing Authority verification form completed by payment provider.
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. A letter from the person paying the support.
3. Copy of latest check and/or payment stubs from Court Trustee. Fort Wayne Housing Authority must record the date, amount, and number of the check.
4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
5. If payments are irregular, the family must provide:

A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

A notarized affidavit from the family indicating the amount(s) received.

A welfare notice of action showing amounts received by the welfare agency for child support.

A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the Fort Wayne Housing Authority will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
 - Schedule C (Small Business)
 - Schedule E (Rental Property Income)
 - Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

2. Audited or un-audited financial statement(s) of the business.
3. Credit report or loan application.
4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
5. Family's self-certification as to net income realized from the business during previous years.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the Fort Wayne Housing Authority will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

The HA will conduct interim reevaluations every 90 days and require the participant to provide a log with the information about customers and income when the income is sporadic and can not otherwise be verified.

If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a self-certification which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. Forms are required to be submitted on the first day of the month, once every quarter. The assigned Housing Specialist will mail the required forms on the 15th day of the month prior to the due date. When the 15th day is a weekend or holiday, the verification will be mailed on the last working day prior to the 15th.

The Fort Wayne Housing Authority will request information from the Indiana State Department of Workforce Development once each quarter when households report zero income.

The Housing Authority will run a credit report and conduct a computer match with the Indiana State Department of Workforce Development if information is received that indicates the family has an unreported income source.

Full-time Student Status 24 CFR Part 5

Section 327 of the administrative provisions of Title III place restrictions on housing assistance that can be provided to students of higher education under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Specifically, Section 327 of Public Law 109-115 (Section 327) provides as follows: "Sec. 327. (a) No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

- (1) Is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));
- (2) Is under 24 years of age;
- (3) Is not a veteran;
- (4) Is unmarried;
- (5) Does not have a dependent child; and
- (6) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Whereas in the past we were required to exclude from annual income the "full amount of student financial assistance" received by any student. Now we are required to include in annual income for section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 from private sources, or from an institution of higher education. Those amounts shall be considered annual income for persons over the age of 23 with dependent children. For purposes of the paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

Verification of full time student status includes:

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1. Written verification from the registrar's office or other school official.
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

F. INCOME FROM ASSETS [24 CFR 982.516]

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or Fort Wayne Housing Authority verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the Fort Wayne Housing Authority must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

The Fort Wayne Housing Authority will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deduced from assessment.
5. Financial statements for business assets.
6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
7. Appraisals of personal property held as an investment.
8. Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

1. For all Certifications and Reexaminations, the HA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.
2. If the family certifies that they have disposed of assets for less than fair market value, verification or certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

[24 CFR 982.516]

Child Care Expenses

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1. Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
 - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Fort Wayne Housing Authority may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
8. The Fort Wayne Housing Authority will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

1. In All Cases:
 - (a) Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
 - (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
 - (a) Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
 - (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
 - (a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
 - (b) In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

Verification of Legal Identity

In order to prevent program abuse, the Fort Wayne Housing Authority will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Social Security Card
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Social Security Card
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer. Verification of a separation may be a copy of court-ordered maintenance or other records. Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will always be required if applicable:

Verification of relationship:

- Official identification showing names
- Birth Certificates
- Baptismal certificates

Verification of guardianship is:

- Court-ordered assignment;

Verification from social services agency; and/or
School records and/or
Insurance records; and/or
Hospital or medical records; and/or
Other identification/documentation designating relationship

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Fort Wayne Housing Authority will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
7. If no other proof can be provided, the Fort Wayne Housing Authority will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member. When income is present for the absent member, the income will not be removed from the household income until the sooner of the absent members physical whereabouts can be verified (as listed in items 1 – 6 above) or 90 days.

Verification of Change in Family Composition

The Fort Wayne Housing Authority may verify changes in family composition (either reported or unreported) through letters, telephone calls, police records, U. S. Postal Service, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the Fort Wayne Housing Authority hearing is pending.

- (a) Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The HA will require citizens to provide documentation of citizenship.
- (b) Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.
- (c) Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HA must request within ten days that the INS conduct a manual search.
- (d) Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
- (e) Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial HA does not supply the documents, the Fort Wayne Housing Authority must conduct the determination.

Extensions of Time to Provide Documents

The HA will grant an extension of no more than 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The Fort Wayne Housing Authority will verify the eligibility of a family member at any time such eligibility is in question.

If the Fort Wayne Housing Authority determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for five (5) years, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

A driver's license

Identification card issued by a Federal, State or local agency

Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)

An identification card issued by an employer or trade union

An identification card issued by a medical insurance company

Earnings statements or payroll stubs

Bank Statements

IRS Form 1099

Benefit award letters from government agencies

Retirement benefit letter

Life insurance policies

Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records

Verification of benefits or Social Security Number from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the Fort Wayne Housing Authority.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the Fort Wayne Housing Authority. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the Fort Wayne Housing Authority may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

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Chapter 8

HOUSING CHOICE VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The Fort Wayne Housing Authority's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the FWHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, FWHA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF HOUSING CHOICE VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the Fort Wayne Housing Authority will issue a Housing Choice Voucher to applicants whose eligibility has been determined. The issuance of a Housing Choice Voucher must be within the dollar limitations set by the ACC budget.

The number of Housing Choice Vouchers issued must ensure that the Fort Wayne Housing Authority stays as close as possible to 100 percent lease-up. The Fort Wayne Housing Authority performs a monthly calculation electronically to determine whether applications can be processed, the number of Housing Choice Vouchers that can be issued, and to what extent the Fort Wayne Housing Authority can over-issue (issue more Housing Choice Vouchers than the budget allows).

The Fort Wayne Housing Authority may over-issue Housing Choice Vouchers only to the extent necessary to meet leasing goals. All Housing Choice Vouchers which are over-issued must be honored. If the Fort Wayne Housing Authority finds it is over-leased, it must adjust future issuance of Housing Choice Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings may be conducted in groups or individual meetings. All briefings are conducted in English.

The purpose of the briefing is to explain the documents in the Housing Choice Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The Fort Wayne Housing Authority will not issue a Housing Choice Voucher to a family unless the household representative has attended a briefing and signed the Housing Choice Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend one (1) scheduled briefing, without prior notification and approval of the Fort Wayne Housing Authority, may be denied admission based on failure to supply information needed for certification. The Fort Wayne Housing Authority will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packets for the Housing Choice Voucher Program will comply with all HUD requirements.

The family is provided with the following information and materials:

1. The term of the Housing Choice Voucher, and the Fort Wayne Housing Authority policy for requesting extensions to the term of the Housing Choice Voucher or suspensions of the Housing Choice Voucher.
2. A description of the method used to calculate the housing assistance payment, information on utility allowances, Fair Market Rents and Payment Standards.
3. How the maximum allowable rent is determined.
4. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition of a unit, whether the rent is reasonable, cost of tenant-paid utilities, and energy efficiency of the unit.
5. The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
6. The HUD tenancy addendum.
7. The Request for Approved Tenancy form, and a description of the procedure for requesting approval for a unit.
8. The Fort Wayne Housing Authority policy on providing information about families to prospective owners.
9. The Subsidy Standards including when and how exceptions are made and how the Housing Choice Voucher size relates to the unit size selected.
10. The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
11. The HUD brochure on lead-based paint and information about where blood level testing is available.
12. Information on federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The Fort Wayne Housing Authority will also include the pamphlet "Fair Housing: It's Your Right" and other information about fair housing laws and guidelines, and the phone numbers of the local fair housing agency and the HUD enforcement office.

13. Information about landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the size certificate or voucher issued. The list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.
14. If the family includes a person with disabilities, notice that the Fort Wayne Housing Authority will provide assistance in locating accessible units and a list of known available accessible units.
15. The Family Obligations under the program.
16. The grounds on which the Fort Wayne Housing Authority may terminate assistance for a participant family because of family action or failure to act.
17. Fort Wayne Housing Authority informal hearing procedures including when a hearing is required, and how to request the hearing.
18. Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability.
19. A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.
20. Information regarding the Fort Wayne Housing Authority's outreach program which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.
21. A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration.
22. A sample contract.
23. Procedures for notifying the Fort Wayne Housing Authority and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.
24. The family's rights as a tenant and a program participant.
25. Requirements for reporting changes between certifications.
26. Information on security deposits and legal referral services.

Other Information to be Provided at the Briefing [24 CFR 982.301(a)]

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the ~~HA~~ Fort Wayne Housing Authority, and the Fort Wayne Housing Authority and the owner.

The briefing presentation emphasizes:

Family and owner responsibilities

Where a family may lease a unit inside and outside its jurisdiction

How portability works for families eligible to exercise portability

Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in the Fort Wayne Housing Authority jurisdiction

Exercising choice in residency

Choosing a unit carefully and only after due consideration.

The Family Self Sufficiency program and its advantages.

If the family includes a person with disabilities, the Fort Wayne Housing Authority will ensure compliance with CFR 8.6 to ensure effective communication.

"Smart Move" Meeting

A "Smart Move" meeting is held for participants who wish to move. The meeting will be held before they give notice to the landlord and are reissued a Housing Choice Voucher.

The meeting is conducted to inform families of the move process and to minimize claims (for contracts effective prior to October 2, 1995) or charges against security deposits (for new contracts). All participants who plan to move are strongly encouraged but may not be required to attend.

A "Smart Move" briefing will be held for participants who will be reissued Housing Choice Voucher to move. This briefing includes incoming and outgoing portable families.

Families failing to attend a scheduled "Smart Move" briefing will be denied a new Housing Choice Voucher based on failure to provide required information. However, the family may request to attend another "Smart Move" briefing.

Owner Briefing

Briefings are held for owners at least once annually. All new and current owners are invited to attend. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three parties.

Interested owners who request to sit in on scheduled family briefings to obtain information about the Housing Choice Voucher Program will be allowed to do so if the request is made in advance of the scheduled briefing, and there is space available.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the Fort Wayne Housing Authority will provide assistance to families who wish to do so.

The Fort Wayne Housing Authority has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The Fort Wayne Housing Authority has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

The Fort Wayne Housing Authority will investigate and analyze when Housing Choice Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

- Providing families with a search record form to gather and record info.

- Direct contact with landlords.

- Counseling with the family.

- Providing information about services in various non-impacted areas.**

 - Meeting with neighborhood groups to promote understanding.

 - Formal or informal discussions with landlord groups

 - Formal or informal discussions with social service agencies*

 - Meeting with rental referral companies or agencies

 - Meeting with fair housing groups or agencies*

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The Fort Wayne Housing Authority will give participants a copy of HUD form 903 to file a complaint

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

The owner is not required to but may collect a (one) security deposit from the tenant.

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a Housing Choice Voucher which represents a contractual agreement between the Fort Wayne Housing Authority and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The Housing Choice Voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Approved Tenancy within the time period that has been established.

Families who are current participants and who wish to move with Section 8 Assistance are issued the Housing Choice Voucher for 60 days.

Families who are new to the Section 8 Program will be issued the Housing Choice Voucher for 60 days. New families may request extensions, as provided in the following sections.

If the Housing Choice Voucher has expired, and has not been extended by the Fort Wayne Housing Authority or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing.

If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Approved Tenancy is received, the Fort Wayne Housing Authority will not deduct the number of days required to process the request from the 60 day term of the Housing Choice Voucher.

Extensions

The Fort Wayne Housing Authority will extend the term up to 120 days from the beginning of the initial term if the family needs and requests an extension in writing as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If as a reasonable accommodation, the family needs an extension in excess of 120 days, the Fort Wayne Housing Authority will approve such a request.

A family may request an extension of the Housing Choice Voucher time period. All requests for extensions must be received in writing prior to the expiration date of the Housing Choice Voucher.

Extensions are permissible at the discretion of the Fort Wayne Housing Authority up to a maximum of an additional 30 days primarily for these reasons:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.

The Fort Wayne Housing Authority is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the Fort Wayne Housing Authority, throughout the initial sixty-day period. A completed search record is required.

The family was prevented from finding a unit due to disability accessibility requirements.

The Fort Wayne Housing Authority extends in one or more increments. The total length of time will never total more than an additional thirty days.

Extensions beyond 120 days are permissible at the discretion of the FWHA under the Final Merger Rule Technical Amendment (11/22/99), for purposes other than reasonable accommodation. In these rare cases, the Section 8 Director may approve an extension beyond 120 days.

It is the policy of the Fort Wayne Housing Authority to provide an extension of not more than 30 days when additional time is necessary for an applicant to locate housing. The additional 30 days is not an entitlement, and will only be allowed when circumstances beyond the control of the applicant have prevented or restricted the submission of a Request for Approved Tenancy.

Assistance to Housing Choice Voucher Holders

Families who require additional assistance during their search may call the Fort Wayne Housing Authority Office to request assistance. Housing Choice Voucher holders will be notified at their briefing session that the Fort Wayne Housing Authority periodically updates the listing of available units and how the updated list may be obtained.

The Fort Wayne Housing Authority will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G HOUSING CHOICE VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS

[24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Fort Wayne Housing Authority shall consider which family member was the head of household when the Housing Choice Voucher was initially issued (listed on the initial application) unless domestic violence was involved in the breakup (in the case of domestic violence the non-abuser will be assigned as the head of household).

Documentation of domestic violence will be the responsibility of the requesting parties.

If documentation is not provided, the Fort Wayne Housing Authority will terminate assistance on the basis of failure to provide information necessary for a recertification.

Where the breakup of the family also results in a reduction of the size of the Housing Choice Voucher, the family will be issued a "New" Housing Choice Voucher and be required to move to a smaller unit if the family have fulfilled the lease term. The family may choose to remain in the larger unit if they meet all income requirements including the 40% affordability requirements.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF HOUSING CHOICE VOUCHER [24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the Fort Wayne Housing Authority to be living in the unit.

A live-in-aide, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The Fort Wayne Housing Authority has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the Housing Choice Voucher size.

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Chapter 9

REQUEST FOR APPROVED TENANCY AND CONTRACT EXECUTION

INTRODUCTION [24 CFR 982.305(a)]

The Fort Wayne Housing Authority's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The Fort Wayne Housing Authority's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a Housing Choice Voucher, they may search for a unit anywhere within the jurisdiction of the Fort Wayne Housing Authority, or outside of the Fort Wayne Housing Authority's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the Fort Wayne Housing Authority. This Chapter defines the types of eligible housing, the Fort Wayne Housing Authority's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of the Requests For Approved Tenancy.

A. REQUEST FOR APPROVED TENANCY [24 CFR 982.305(b)]

The Request for Approved Tenancy must be submitted by the family during the term of the "New" Housing Choice Voucher.

The Request for Approved Tenancy must be signed by both the owner and Housing Choice Voucher holder.

The Fort Wayne Housing Authority will not permit the family to submit more than one Request for Approved Tenancy at a time.

The Fort Wayne Housing Authority will review the Request for Approved Tenancy to determine whether or not they are approvable. A preliminary calculation will be conducted to determine if the unit, as proposed, appears to be affordable.

The Request will be approved if:

1. The unit is an eligible type of housing
2. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
3. The rent is reasonable and approvable (See Section G).
4. The Security Deposit is approvable in accordance with any limitations in this plan.
5. The owner is approvable, and there are no conflicts of interest (See Section I).

Disapproval of RFLA

If the Fort Wayne Housing Authority determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The Fort Wayne Housing Authority will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given five (5) working days to submit an approvable RFLA from the date of disapproval.

When, for any reason, an RFLA is not approved, the Fort Wayne Housing Authority will furnish another RFLA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The Fort Wayne Housing Authority will approve all structure types in the program, including manufactured homes where the tenant leases the mobile home and the pad.

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The Fort Wayne Housing Authority may not permit a Housing Choice Voucher holder to lease a unit which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

C. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See Chapter 10, "Housing Quality Standards and Inspections."

D. RENT LIMITATIONS [24 CFR 982.507]

The Fort Wayne Housing Authority will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises. Additionally, the tenant will be limited to spending not more than 40% of the adjusted monthly income for rent and utilities at the time of move-in.

E. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

If the proposed Gross Rent is not reasonable, at the family's request, the Fort Wayne Housing Authority will negotiate with the owner to reduce the rent to a reasonable rent.

If the rent can be approved, the Fort Wayne Housing Authority will continue processing the Request for Approved Tenancy. If the revised rent involves a change in the provision of utilities, a new Request for Approved Tenancy must be submitted by the owner.

If the owner does not agree on the Rent to Owner after the Fort Wayne Housing Authority has tried and failed to negotiate a revised rent, the Fort Wayne Housing Authority will inform the family and owner that the lease is disapproved.

F. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the Fort Wayne Housing Authority will furnish prospective owners who request the family's address information in writing from the Fort Wayne Housing Authority with the family's current address as shown in the Fort Wayne Housing Authority's records and, if known to the Fort Wayne Housing Authority, the name and address of the landlord at the family's current and prior address.

The Fort Wayne Housing Authority will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The Fort Wayne Housing Authority will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

A statement of the Fort Wayne Housing Authority's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

G. OWNER DISAPPROVAL [24 CFR 982.306]

See Chapter 16, "Owner Disapproval and Restriction."

H. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract at admission, the information will be verified and the TTP will be recalculated. If the family does not report any change, the Fort Wayne Housing Authority need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

I. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The Fort Wayne Housing Authority prepares the Housing Assistance Payments Contract for execution. The family and the owner will execute the Lease agreement, and the owner and the Fort Wayne Housing Authority will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The Fort Wayne Housing Authority will retain a copy of all signed documents..

The Fort Wayne Housing Authority will not execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following representative(s) is/are authorized to execute a contract on behalf of the Fort Wayne Housing Authority:

Executive Director
Deputy Director
Section 8 Director

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security

The owner must provide a home telephone number and business number if applicable.

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The Fort Wayne Housing Authority will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

J. CHANGE IN OWNERSHIP

See Chapter 16, "Owner Disapproval and Restriction."

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Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The Fort Wayne Housing Authority will inspect each unit under contract at least annually. The Fort Wayne Housing Authority will also have an inspection supervisor perform quality control inspections on at least 5 percent of all units under contract annually to maintain the HA's required standards and to assure consistency in the Fort Wayne Housing Authority's program. This Chapter describes the Fort Wayne Housing Authority's procedures for performing HQS and other types of inspections, and the Fort Wayne Housing Authority standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and Fort Wayne Housing Authority requirements. (See additions to HQS).

The Fort Wayne Housing Authority conducts all Housing Quality Standards Inspections. This administrative plan reflects the standards that are in effect as of October 1, 1999. Additionally, the policies that are expected to be necessary to be implemented on or before January 1, 2000 are also included.

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

The Fort Wayne Housing Authority has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service prior to the inspection date. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFLA) to have the utilities turned on. The Inspector will schedule a reinspection. The owner and tenant will both certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the Fort Wayne Housing Authority will allow the stove and refrigerator to be placed in the unit after the inspection, if after the unit has passed all other HQS, the family certifies that the appliances are in the unit and working according to the Housing Quality Standards. The Fort Wayne Housing Authority will conduct a reinspection.

There are four types of inspections the Fort Wayne Housing Authority will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approved Tenancy.
2. Annual: Must be conducted within twelve months of the anniversary date of the last full inspection.
3. Special/Complaint: At request of owner, family or an agency or third-party.
4. Quality Control

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Administrative Plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the family and owner will be advised to notify the Fort Wayne Housing Authority once repairs are completed.

On an initial inspection, the owner will be given up to ten (10) days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to one (1) reinspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The Fort Wayne Housing Authority conducts an inspection in accordance with Housing Quality Standards at least annually, between 90 and 120 days prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the Fort Wayne Housing Authority to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections will be conducted on business days only.

Reasonable hours to conduct an inspection are between 6:30 a.m. and 8:00 p.m.

The Fort Wayne Housing Authority will notify the family in writing or by phone at least ten (10) days prior to the inspection.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail. If the family or the owner is unable to be present, FWHA will reschedule the appointment within 30 days.

If the family and the owner misses one (1) inspection appointments without notification, the Fort Wayne Housing Authority will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Reinspection: The family and owner are mailed a notice of the inspection appointment. If the family or owner is not at the home for the reinspection appointment, a notification letter of abatement will be sent to the owner and a notification of Denial or Termination of Assistance is sent to the family.

The family is also notified that it is a Family Obligation to allow the Fort Wayne Housing Authority to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

Time Standards for Repairs

1. Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the Section 8 Director may approve an extension beyond 30 days.

Rent Increases

The Fort Wayne Housing Authority will conduct an inspection using the Housing Quality Standards and other standards approved in this Administrative Plan at least annually, prior to the anniversary month of the contract. Rent increase requests in the Housing Choice Voucher Programs will not be approved if the unit is in a failed condition.

D. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the Fort Wayne Housing Authority that the unit does not meet Housing Quality Standards, the Fort Wayne Housing Authority will conduct an inspection.

The Fort Wayne Housing Authority may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The Fort Wayne Housing Authority will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 120 days of a special inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed on at least 5 percent of the units of each inspector every year. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

F. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The Fort Wayne Housing Authority adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet with the additions described below.

Local Codes [24 CFR 982.401(a)(4)]

The Fort Wayne Housing Authority has adopted portions of the Fort Wayne City code that are more stringent than the Housing Quality Standards. The adopted codes are attached to the end of this chapter and are incorporated into this administrative plan.

G. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat when outside temperature is below 50° F. and temperature inside unit is below 68° F
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet

The Fort Wayne Housing Authority may give a short extension (not more than 24 additional hours) whenever the responsible party cannot be notified or it is impossible to affect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the Fort Wayne Housing Authority.

If the emergency repair item(s) are not corrected in the time period required by the Fort Wayne Housing Authority, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the Fort Wayne Housing Authority, and it is an HQS breach which is a family obligation, the Fort Wayne Housing Authority will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by the Fort Wayne Housing Authority as an emergency (24 hour) fail item.

If the smoke detector is not operating properly the Fort Wayne Housing Authority will contact the owner by phone and request the owner to repair the smoke detector within 24 hours. The Fort Wayne Housing Authority will reinspect the unit the following business day.

If the Fort Wayne Housing Authority determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and the Fort Wayne Housing Authority will reinspect the unit the following business day.

The Fort Wayne Housing Authority will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. The warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS and the Family Obligations. The notice will further state that violation of the family obligation for HQS fails caused by the family is grounds for termination of assistance.

H. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON EMERGENCY ITEMS)

[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the Fort Wayne Housing Authority, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for not more than 30 days, depending on the nature of the repair(s) needed.

The Fort Wayne Housing Authority will inspect abated units within five (5) days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The Fort Wayne Housing Authority will advise owners of their responsibility to notify the tenant of when the reinspection will take place.

The family will be notified of the reinspection date and requested to inform the owner.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the Fort Wayne Housing Authority's portion of rent that is abated.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the Fort Wayne Housing Authority if the tenant chooses to remain in the unit. Only one (1) Housing Quality Standards inspections will be conducted after the termination notice is issued.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service

Failure to provide or maintain family-supplied appliances

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

"Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The Fort Wayne Housing Authority may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the Fort Wayne Housing Authority will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, the Fort Wayne Housing Authority will terminate assistance to the family. Extensions in these cases must be approved by the Section 8 Director. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

Reserved

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Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.501, 982.503, 982.504]

INTRODUCTION

It is the HA's responsibility to ensure that the rents charged by owners are reasonable based upon objective comparables in the rental market. The HA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. The HA will determine rent reasonableness at initial lease-up, before any increases in rent to owner and at other times as described in this section. The HA will provide the owner with information concerning rent adjustments in the Certificate program until all assistance is based upon the "New" Housing Choice Voucher program.

This Chapter explains the HA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. OWNER PAYMENT IN THE VOUCHER PROGRAM [24 CFR 982.505(b)]

The maximum subsidy for each family is determined by the Payment Standard for the Voucher size issued to the family, less 30% of the family's Monthly Adjusted Income. The actual subsidy level could be less if the family is required to pay the Minimum Total Tenant Payment (10% of the family's Monthly Income).

The Voucher size issued to the family is based on the HA's Subsidy Standards. The payment standard for the family is based on the lesser of the Payment Standard for the Voucher size issued and the Payment Standard for the unit selected.

The Housing Assistance Payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed, the HA begins processing payments to the landlord. The effective date and the amount of the HA payment is communicated to the Accounting Department via an electronically generated transmittal form. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made electronically to the HAP Register for the following month. Checks are disbursed by the Accounting Department to the owner each month.

Checks may not be picked up by owner at the HA.

Checks are mailed on the first day of each month. Checks that are not received will not be replaced until a written request has been received from the payee, the bank has verified that the check has not been cashed and a stop payment has been put on the check.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.503]

The Fort Wayne Housing Authority will not approve a lease until it has been determined that the initial rent to owner is a reasonable rent. The Fort Wayne Housing Authority must redetermine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The Fort Wayne Housing Authority also will redetermine rent reasonableness when owners an increase in the rent to owner for a Voucher unit.

The Fort Wayne Housing Authority must redetermine rent reasonableness if directed by HUD and based on a need identified by the auditing system. The Fort Wayne Housing Authority may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined.

The Fort Wayne Housing Authority will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market.

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the HA information on rents charged by the owner for other units in the premises or elsewhere.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness neighborhoods within the Fort Wayne Housing Authority jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of Bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Utilities
- Maintenance

Rent Reasonableness Methodology

The Fort Wayne Housing Authority utilizes a rent reasonableness system which includes and defines the HUD factors listed above. The system has a total point count which is divided into rating categories.

Information is gathered on rental units in the Fort Wayne Housing Authority market area, and each unit is rated, using the HA's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Each defined factor of the items listed above on the unit to be assisted will be compared, using a point adjustment system, to those factors of comparable unassisted units in the database. The average will be adjusted up or down based on the dollar value of all HUD required comparable items in comparison with the total database.

The Fort Wayne Housing Authority maintains notebooks which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 18 months old.

The Fort Wayne Housing Authority uses an "appraisal" method and tests the subject unit against selected units in the same area with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and the comparables. Amenities, services, and facilities are given point values.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM

[24 CFR 982.505(b)(1)]

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by the HA between 80 percent and 110 percent of the FMR/exception rent. The HA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the HA will ensure that the Payment Standard is within the range of 80 percent to 110 percent of the new FMR. The Fort Wayne Housing Authority's Payment Standards are reviewed annually at the time the HUD publishes the annual Fair Market Rents. The Fort Wayne Housing Authority sets the Payment Standard at 100% to 110% of the FMR for the entire jurisdiction. FWHA retains the privilege of using 100% as the common payment standard with the flexibility to go to 110% to reach deconcentrated areas.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.505(b)(3)]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. The HA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the HA raise Standards if the need is solely to make "high end" units available to Voucher holders.

The HA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and if an increase is warranted, the payment standard will be adjusted within 80% of the current Fair Market Rent.

F. PAYMENT STANDARDS FOR A FAMILY [24 CFR 982.505(d)]

Regular Reexamination

If the payment standard decreases during the HAP Contract term, the Payment Standard for the family is the higher of (1) the Payment Standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased, or (2) the Payment Standard at the current or most recent annual exam. If a change in family size or composition occurs affecting the certificate size, the ability to use the initial Payment Standard is lost.

Interim Examination

If after the beginning of the term of the lease the family has a change in income, family size or composition that would require or allow for an interim adjustment based on the HA's interim policy, the HA will not apply any new or change in payment standard until the date of the next regular reexamination.

Moves

If the family moves into a different unit prior to their next recertification and the HA has had a change in the payment standard the new payment standard will be used. The applicable payment standard will be that which is the lower of either the certificate size issued or the unit size selected at the time of the move.

G. RENT ADJUSTMENTS [24 CFR 982.509, 24 CFR 982.505(b)(3)]

Owners may not request rent adjustments in the Voucher Program to be effective prior to the expiration of the first year of the lease. Rent adjustments are effective:

With a sixty-day notice to the family and a copy to the HA, provided language is included in the lease. The HA will advise the owner as to whether the rent is reasonable and shall approve or disapprove the rent increase.

Reserved

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Chapter 12

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the Fort Wayne Housing Authority will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the Fort Wayne Housing Authority's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are two activities the Fort Wayne Housing Authority must conduct on an annual basis. These activities will be coordinated whenever possible:

1. Recertification of Income and Family Composition
2. HQS Inspection

The Fort Wayne Housing Authority produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See Chapter 10, "Housing Quality Standards and Inspections."

Rent Adjustments: See Chapter 11, "Owner Rents, Rent Reasonableness and Payment Standards."

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Income limits are not used as a test for continued eligibility at recertification unless the family is moving under portability and changing their form of assistance.

Reexamination Notice to the Family

The Fort Wayne Housing Authority will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the Fort Wayne Housing Authority will provide the notice in an accessible format. The Fort Wayne Housing Authority will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure

The Fort Wayne Housing Authority's procedure for conducting annual recertifications will be to schedule the date and time of appointments and mail a notification to the family. The FWHA Section 8 HCVP will complete a minimum of 30% of recertification by mail.

All first time recertifications must be completed at the FWHA's Section 8 HCVP office unless requested as a reasonable accommodation by an elderly and/or persons with disabilities. Persons with disabilities who are unable to come to the Fort Wayne Housing Authority's office will be granted an accommodation by conducting the interview at the person's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

All seniors or disabled persons may request their recertifications completed by mail after the first year.

Mailing Procedures

1. A detail explanation of the mailing procedures will be included in the mail out package
2. All appropriate forms will be sent for the family's signature
3. A self addressed stamped envelope will be enclosed in the packet for returning all forms
4. The families have 15 days to return the forms

After receiving all documentation the FWHA will determine the family's annual income and will calculate their family share.

Completion of Annual Recertification

The Fort Wayne Housing Authority will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

Collection of Information

Participants will complete an Annual Recertification Application to collect all required data. As appropriate, utilizing group recertification briefing sessions supported by individual interviews as needed, a FWHA staff person will review the data on a HUD required Interview Guide with the Participants to assist them to provide complete and accurate data. Reasonable efforts will be made to ensure appropriate confidentiality. Based on data provided in the Annual Recertification Application, Participants will provide all information needed for accurate verifications.

Requirements to Attend

The head of household is required to attend the recertification interview. If the head of household is unable to attend the interview, the spouse/co-head may recertify for the family, provided that the recertification documents are returned within ten (10) working days.

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the Fort Wayne Housing Authority, the Housing Authority will reschedule a second appointment. Failure to attend the second scheduled reexamination appointment will result in a notice of termination of assistance, which offers the participating family an informal hearing.

Exceptions to these policies may be made by Section 8 Director if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

Documents Required From the Family

In the notification letter to the family, the Fort Wayne Housing Authority will include instructions for the family to bring the following:

Documentation of all assets
Documentation of any deductions/allowances
Annual Recertification Application completed by head of household

Verification of Information

The Fort Wayne Housing Authority will follow the verification procedures and guidelines described in this Administrative Plan. Verifications for reexaminations must be less than 120 days old.

Tenant Rent Increase

If the tenant rent increases, a thirty day notice is mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If the tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the Fort Wayne Housing Authority.

C REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition and income to the Fort Wayne Housing Authority between annual reexaminations. This includes additions due to birth, adoption, foster care placement and court-awarded custody. The family must obtain Fort Wayne Housing Authority approval prior to all other additions to the household. The head of household is required to report in writing within ten (10) working days any member of the assisted household who moves from the unit.

1. A new Total Tenant Payment will be calculated if the income increased following zero income; or
2. If the Participants had an interim recertification resulting in a lower Tenant Rent.

Decreases in Income

Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The Fort Wayne Housing Authority must calculate the change if a decrease in income is reported.

HA Errors

If the Fort Wayne Housing Authority makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification. However, if a full Annual Re-examination process is followed during the interim re-examination, the anniversary date may be changed according.

An interim reexamination will be scheduled for families with zero and/or unstable income every 90 days. Unstable income may include unpredictable tips, commissions and frequent job changes.

Notice of Results of Recertification HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by the Fort Wayne Housing Authority. If the family disagrees with the rent adjustment, they may request an informal hearing.

D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS [24 CFR 5.615]

The Fort Wayne Housing Authority will not reduce the family share of rent for families whose welfare assistance is reduced due to a "specified welfare benefit reduction", which is a reduction in benefits by the welfare agency specifically because of:

fraud in connection with the welfare program; or

noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, or

A situation where a family member has not complied with other welfare agency requirements.

Definition of Covered Family

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of "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 included in the family's income for purposes of determining rent.

The amount of imputed welfare income is determined by the Fort Wayne Housing Authority, based on written information supplied to the Fort Wayne Housing Authority by the welfare agency, including:

The amount of the benefit reduction

The term of the benefit reduction

The reason for the reduction

Subsequent changes in the term or amount of the benefit reduction

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim reexamination, during the term of the welfare benefits reduction (as specified by the welfare agency).

The amount of imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

If the family claims the amount of imputed welfare income has been calculated incorrectly, the assigned Housing Specialist will review the calculation for accuracy. If the imputed welfare income amount is correct, the Fort Wayne Housing Authority will provide a written notice to the family that includes:

A brief explanation of how the amount of imputed welfare income was determined;

A statement that the family may request an informal hearing if they do not agree with the Fort Wayne Housing Authority determination.

Verification Before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

Cooperation Agreements [24 CFR 5.613]

The Fort Wayne Housing Authority has executed a Cooperation Agreement with the Allen County Division of Family and Children, under which the welfare agency agrees:

To target public assistance benefits and services to participants in the Fort Wayne Housing Authority's Self-Sufficiency program;

To provide written verification to the Fort Wayne Housing Authority concerning welfare benefits for applicant and participant families, and specified reduction in welfare benefits for a family member, listing: amount of reduction; reason for reduction; term of reduction, and subsequent redetermination.

To assure timely and accurate verification of public assistance and verification of non-compliance.

The PHA and the local welfare agency have mutually agreed to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit Section 8 tenant-based assistance families.

The FWHA will rely on the welfare agency's written notice regarding the amount of specified benefit reduction.

The Fort Wayne Housing Authority has taken a proactive approach to develop an effective working relationship between the agencies for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents and Section 8 tenant-based assistance families.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed income and the Fort Wayne Housing Authority denies the family's request to modify the amount, the Fort Wayne Housing Authority will provide the tenant with a notice of denial, which will include:

An explanation for the PHA's determination of the amount of imputed welfare income

A statement that the tenant may request an informal hearing.

E. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

[24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The Fort Wayne Housing Authority requires that families report interim changes to the Fort Wayne Housing Authority within ten (10) working days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided within ten (10) working days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The Fort Wayne Housing Authority will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

The change may be implemented based on documentation provided by the family, when third-party written verification is not possible.

Procedures when the Change is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement in accordance with Chapter 18 of this administrative plan

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

Procedures when the Change is Not Processed by the HA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the Fort Wayne Housing Authority in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the Fort Wayne Housing Authority.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

F. REPORTING OF CHANGES IN FAMILY COMPOSITION [24 CFR 982.516(c)]

All changes in family composition must be reported in writing within ten (10) working days of the occurrence.

Increases in Family Size

Increases other than by birth, adoption or court-awarded custody must have the prior approval of the owner and the Fort Wayne Housing Authority. Fort Wayne Housing Authority approval is contingent upon all HUD eligibility criteria and standards defined in this administrative plan.

If the addition would result in overcrowding according to HQS maximum occupancy standards:

The Fort Wayne Housing Authority will issue a larger Housing Choice Voucher (if needed under the Subsidy Standards) for additions to the family in the following cases:

Addition by marriage/or marital-type relation.

Addition of a minor who is a member of the nuclear family who had been living elsewhere.

Addition of an HA-approved live-in attendant.

Addition of any relation of the Head or Spouse.

Addition due to birth, adoption or court-awarded custody.

The larger Housing Choice Voucher will be issued at the next annual reexamination or when a transfer is requested (for households who have been in the unit for at least 12 months).

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in the Housing Choice Voucher shall be made effective immediately.

G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

1. The Fort Wayne Housing Authority implemented the Non-Citizen Rule prior to November 29, 1996 AND
2. The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
3. All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

H. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any applicant or participant misrepresents the information on which eligibility or tenant rent is established, the Fort Wayne Housing Authority may terminate assistance and may refer the family file to the proper authorities for appropriate disposition.

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Reserved

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Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the Fort Wayne Housing Authority's jurisdiction, or to a unit outside of the Fort Wayne Housing Authority's jurisdiction under Portability procedures. The regulations also allow the Fort Wayne Housing Authority the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the Fort Wayne Housing Authority's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the Fort Wayne Housing Authority has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach or otherwise.

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]

Families will not be permitted to move within the Fort Wayne Housing Authority's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the Fort Wayne Housing Authority's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

The Fort Wayne Housing Authority will deny permission to move if there is insufficient funding for continued assistance.

The Fort Wayne Housing Authority may deny permission to move if:

The family has violated a Family Obligation.

The family owes any Housing Agency/Authority money.

The family has moved or been issued a Housing Choice Voucher within the last twelve (12) months.

The Executive Director, Deputy Director and/or Section 8 Director may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

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C PROCEDURE FOR MOVES [24 CFR 982.314]

Families considering transferring must complete a transfer request in writing and be placed on the transfer waiting list. All families wishing to move except for emergency moves must come to the top of the transfer waiting list. FWHA will transfer 30 non-emergency transfers monthly.

Emergency Transfers

1. Units that fail HQS and in abatement due to no fault of the family
2. Reasonable accommodation

Issuance of Housing Choice Voucher

Subject to the restrictions on moves, if the family has not been recertified within the last 120 days, the Fort Wayne Housing Authority will issue the Housing Choice Voucher to move.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

The annual recertification date will be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the lease.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the Fort Wayne Housing Authority's jurisdiction within the United States and its territories. Subject to the restrictions on moves, under portability, families are eligible to receive assistance to lease a unit outside of the initial Fort Wayne Housing Authority's jurisdiction,. The unit may be located in any jurisdiction of any Housing Authority in the United States where a Housing Choice Voucher Program is administered.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

When a family requests to move to outside of the Fort Wayne Housing Authority's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one HA in the area in which the family has selected a unit, the Fort Wayne Housing Authority will choose the receiving HA.

Restrictions on Portability

1. Families will not be permitted to exercise portability during the initial 12 month period after admission to the program, if neither the head or spouse had a domicile (legal residence) in the Fort Wayne Housing Authority's jurisdiction at the date of their initial application for assistance unless the receiving and Fort Wayne Housing Authority agree to allow the move.
2. If the family is in violation of a family obligation.
3. If the family owes money to the Fort Wayne Housing Authority.

Outgoing Portability Procedures

The Fort Wayne Housing Authority will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, the Fort Wayne Housing Authority will determine if the family is within the very low income limit of the receiving HA.

If the family is a participant and will be changing its form of assistance, the Fort Wayne Housing Authority will determine if the family is within the low income limit of the receiving HA, and advise the family accordingly.

The Fort Wayne Housing Authority will notify the Receiving HA that the family wishes to relocate into its jurisdiction.

The Fort Wayne Housing Authority will advise the family how to contact and request assistance from the receiving HA.

The Fort Wayne Housing Authority will notify the receiving HA that the family will be moving into its jurisdiction.

The Fort Wayne Housing Authority will provide the following documents and information to the Receiving HA:

1. **Information on the HUD portability form, including a copy of the family's Housing Choice Voucher with issue and expiration dates and formal recognition of the family's ability to move under portability.**
2. The most recent HUD 50058 form and verifications.

Payment to the Receiving HA

The Fort Wayne Housing Authority will requisition funds from HUD based on the anticipated lease-ups of portable Housing Choice Vouchers in other HA's jurisdictions. Payments for families in other jurisdictions will be made to other HA's when billed or in accordance with other HUD approved procedures for payment.

When billed, the Fort Wayne Housing Authority will reimburse the Receiving HA for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contracts effective prior to 10/2/95, and 80% of the Administrative Fee (at the initial HA's rate).

Claims

The Fort Wayne Housing Authority will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. The Fort Wayne Housing Authority will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Payment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving HA's will be required to submit hearing determinations to the Fort Wayne Housing Authority within 14 days.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The Fort Wayne Housing Authority will accept a family with a valid Housing Choice Voucher from another jurisdiction and administer or absorb the Housing Choice Voucher. If administering, the family will be issued a "Portability" Voucher by the Fort Wayne Housing Authority with the same start date. The Fort Wayne Housing Authority may grant extensions in accordance with this Administrative Plan.

The Fort Wayne Housing Authority will absorb all port-in families provided that there is funding available.

When the Fort Wayne Housing Authority does not absorb the incoming Housing Choice Voucher, it will administer the Initial HA's Voucher and the Fort Wayne Housing Authority's policies will prevail.

For initial lease-up, the family must be within the Fort Wayne Housing Authority's Very-Low Income limits. For participants, the Fort Wayne Housing Authority may issue Housing Choice Voucher but if the form of assistance changes, the family must be within the Fort Wayne Housing Authority's Low Income limits. If the family is ineligible under the Fort Wayne Housing Authority's low income limit because the form of assistance offered causes the family to change programs, the Fort Wayne Housing Authority must absorb the family without a change in the form of assistance, or administer the family without a change in the form or assistance, or administer the family's current form of assistance.

The Fort Wayne Housing Authority will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition which would change the Housing Choice Voucher size, the HA will change to the proper size based on its own Subsidy Standards.

The Fort Wayne Housing Authority will decide whether to extend the "Portability Voucher" and for what period of time. However, if the Family decides not to lease-up in the Fort Wayne Housing Authority's jurisdiction, the Family must request an extension from the Initial HA.

Income and TTP of Incoming Portables

As receiving HA, the Fort Wayne Housing Authority will conduct a recertification interview but only verify the information provided if there has been a change in the family's circumstances.

If the family's income exceeds the income limit of the Fort Wayne Housing Authority, the family will not be denied assistance unless the family is an applicant and over the Very-Low Income Limit.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the Fort Wayne Housing Authority's jurisdiction, the Fort Wayne Housing Authority will refuse to enter into a contract on behalf of the family at \$0 assistance.

Requests for Tenancy Approval

A briefing will be mandatory for all portability families.

When the Family submits a Request for Lease Approval, it will be processed using the Fort Wayne Housing Authority's policies. If the Family does not submit a Request for Approved Tenancy or does not execute a lease, the Initial HA will be notified within 120 days by the Fort Wayne Housing Authority.

If the Family leases up successfully, the Fort Wayne Housing Authority will notify the Initial HA within 180 days, and the billing process will commence.

If the Fort Wayne Housing Authority denies assistance to the family, the Fort Wayne Housing Authority will notify the Initial HA within 180 days and the family will be offered a review or hearing.

The Fort Wayne Housing Authority will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside the Fort Wayne Housing Authority's jurisdiction under continued portability.

Terminations

The Fort Wayne Housing Authority will notify the Initial HA in writing of any termination of assistance within sixty (60) days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the Fort Wayne Housing Authority, using the regular hearing procedures included in this Administrative Plan. A copy of the hearing decision will be furnished to the Initial HA.

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies the Fort Wayne Housing Authority that the Family is in arrears or the Family has refused to sign a Payment Agreement, the Fort Wayne Housing Authority will terminate assistance to the family.

Required Documents

As Receiving HA, the Fort Wayne Housing Authority will require the documents listed on the HUD Portability Billing Form from the Initial HA.

Billing Procedures

As Receiving HA, the Fort Wayne Housing Authority will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial HA.

The Fort Wayne Housing Authority will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial HA's rate) for each "Portability" Voucher leased as of the first day of the month.

The Fort Wayne Housing Authority will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify the Fort Wayne Housing Authority of changes in the Administrative Fee amount to be billed.

Reserved

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Chapter 14

CONTRACT TERMINATIONS

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the Fort Wayne Housing Authority which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the Fort Wayne Housing Authority and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the Fort Wayne Housing Authority may be terminated by the Fort Wayne Housing Authority, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the Fort Wayne Housing Authority to the owner after the month in which the Contract is terminated. The owner must reimburse the Fort Wayne Housing Authority for any subsidies paid by the Fort Wayne Housing Authority for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS

[24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required to evict, using the notice procedures in the HUD regulations and State/local law. The owner must provide the Fort Wayne Housing Authority with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

During the term of the lease the owner may only evict for:

1. Serious or repeated violations of the lease;
2. Violations of federal, state or local law related to occupancy of the unit;

3. Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
4. Any drug-related criminal activity on or near the premises.
5. Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
6. Other good cause, after the first year of the lease, includes:
 - Business or economic reason for regaining possession;
 - Owner's desire to repossess unit for personal use; or
 - Tenant's refusal to accept offer of a new lease.
7. If the lease is for successive definite terms, after the initial term, the owner can terminate tenancy at the end of the initial term or any successive term without cause.

The eviction notice must specify the cause for the eviction.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the Fort Wayne Housing Authority must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The Fort Wayne Housing Authority will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the Fort Wayne Housing Authority with the documentation, including notice of the lock-out date.

The Fort Wayne Housing Authority must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the Fort Wayne Housing Authority, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the Fort Wayne Housing Authority has no other grounds for termination of assistance, the Fort Wayne Housing Authority may issue a new Housing Choice Voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY HA

[24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the Fort Wayne Housing Authority terminates program assistance for the family, and when the owner has breached the HAP contract.

(See Chapter 16/Disapproval of Owner)

The Fort Wayne Housing Authority may also terminate the contract if:

- The Fort Wayne Housing Authority terminates assistance to the family.
- The family is required to move from a unit which is overcrowded.
- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

The Fort Wayne Housing Authority will provide the owner and family with at least thirty days written notice of termination of the contract.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS [24 CFR 5.514]

Families who were participants on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a "mixed" family chooses not to accept Proration of assistance, are eligible for temporary deferral of termination of assistance if necessary to permit the family additional time for transition to affordable housing.

Deferrals may be granted for intervals not to exceed six months, up to an aggregate maximum of:

- 3 years for deferrals granted prior to 11/29/96, or
- 18 months for deferrals granted after 11/29/96

The family will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

- a) granting another deferral will result in an aggregate deferral period of longer than the statutory maximum (three years for deferrals granted before 11/29/96; 18 months for deferrals granted after 11/29/96), or
- b) a determination has been made that other affordable housing is available.

Reserved

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Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE

INTRODUCTION

The Fort Wayne Housing Authority may deny or terminate assistance for a family because of the family's action or failure to act. The Fort Wayne Housing Authority will provide families with a written description of the Family Obligations under the program, the grounds under which the Fort Wayne Housing Authority can deny or terminate assistance, and the Fort Wayne Housing Authority's informal hearing procedures. This Chapter describes when the Fort Wayne Housing Authority is required to deny or terminate assistance, and the Fort Wayne Housing Authority's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the Fort Wayne Housing Authority will delay the denial or termination in order to determine if there is an accommodation which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

- Denial for placement on the Fort Wayne Housing Authority waiting list

- Denying or withdrawing a Housing Choice Voucher

- Refusing to enter into a HAP contract or approve a lease

- Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease

- Terminating housing assistance payments under an outstanding HAP contract

- Refusing to process or provide assistance under portability procedures

Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]

The Fort Wayne Housing Authority must deny assistance to applicants, and terminate assistance for participants:

If any member of the family fails to sign and submit HUD or Fort Wayne Housing Authority required consent forms for obtaining information.

If no member of the family is a U.S. citizen or eligible immigrant. (See Section D)

If the family is under contract and 180 days (or 12 months, depending on the HAP contract used) have elapsed since the Fort Wayne Housing Authority's last housing assistance payment was made. (See Chapter 14, Section D)

Grounds for Denial or Termination of Assistance [24 CFR 982.552 (b)]

The Fort Wayne Housing Authority will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

The family violates any family obligation under the program as listed in 24 CFR 982.551.

Any member of the family has ever been evicted from public housing.

If any HA has ever terminated assistance under the Certificate or Voucher program for any member of the family.

If any member of the family commits drug-related criminal activity, or violent criminal activity. (See Section B. "One Strike" Policy)

If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

The family currently owes rent or other amounts to the Fort Wayne Housing Authority or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family breaches an agreement with any HA to pay amounts owed to any HA, or amounts paid to an owner by any HA.

The family has engaged in or threatened abusive or violent behavior toward Fort Wayne Housing Authority personnel.

“Abusive or violent behavior towards Fort Wayne Housing Authority personnel” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

“Threatening” refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents.

Crime by Family Member (See Section B. “One Strike” Policy)

Refer to Chapter 2, Section E, “Other Criteria for Admission” for further information.

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the Fort Wayne Housing Authority to fully endorse and implement a policy which is designed to:

Help create and maintain a safe and drug-free community

Keep our program participants free from threats to their personal and family safety

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

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

Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening and eviction procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, or other legally protected groups.

To the maximum extent possible, the Fort Wayne Housing Authority will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted on the Fort Wayne Housing Authority's bulletin board and copies made readily available to applicants and participants upon request.

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by 24 CFR 982, Subpart L and CFR Part 5, Subpart J, the Fort Wayne Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household who is 18 years of age or older.

HUD Definitions

Covered person, for purposes of 24 CFR Part 982 and this chapter, means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity means 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.

Guest, for purposes of this chapter and 24 CFR part 5, subpart A and 24 CFR Part 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Household, for the purposes of 24 CFR Part 982 and this chapter, means the family and PHA-approved live-in aide.

Other person under the tenant's control, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter, means that the person, although not staying as a guest (as defined in this chapter) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

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

Standard for Violation

The Fort Wayne Housing Authority will deny participation in the program to applicants and terminate assistance to participants in cases where the Fort Wayne Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the Fort Wayne Housing Authority determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

At no time will an applicant be admitted to the Fort Wayne Housing Authority Section 8 Housing Choice Voucher Program if the applicant or any member of the applicant household has ever engaged in the sale, manufacture and/or distribution of any controlled illegal substances.

The Fort Wayne Housing Authority will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous six (6) months.

“Engaged in or engaging in” violent criminal activity means any act within the past five (5) years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

The activity is being engaged in by any Family member.

The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant’s knowledge of the behavior shall be grounds for denial or termination of assistance.

In evaluating evidence of negative past behavior, the Fort Wayne Housing Authority will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Drug Related and Violent Criminal Activity

Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. HUD regulations at 24 CFR 982.553(b) require the Fort Wayne Housing Authority to establish standards for termination of assistance when this family obligation is violated.

The Fort Wayne Housing Authority has established the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

Ineligibility if Evicted for Drug-Related Activity: Persons evicted from public housing, Indian Housing, Section 23 or any Section 8 program because of drug-related criminal activity are ineligible for admission to the Section 8 program for a three-year period beginning on the date of such eviction.

Applicants will be denied assistance if they have been:

Arrested, convicted and/or evicted from a unit assisted under the Housing Act of 1937 due to violent criminal activity within the last five (5) years prior to the date of the certification interview.

Participants will be terminated who have been:

Arrested, convicted and/or evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last [five (5)] years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.

If the family violates the lease for drug-related or violent criminal activity, the Fort Wayne Housing Authority will terminate assistance.

In appropriate cases, the Fort Wayne Housing Authority may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the Fort Wayne Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

The Fort Wayne Housing Authority will waive the requirement regarding drug-related criminal activity if:

The person demonstrates successful completion of a credible rehabilitation program approved by the Fort Wayne Housing Authority, or

The circumstances leading to the eviction no longer exist.

Denial of Assistance for Sex Offenders

The Fort Wayne Housing Authority will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the Fort Wayne Housing Authority will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.

Termination of Assistance for Participants

If the family violates the lease for drug-related or violent criminal activity, the HA will terminate assistance.

In appropriate cases, the HA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HA may consider individual circumstances with the advice of Juvenile Court officials.

Notice of Termination of Assistance

In any case where the Fort Wayne Housing Authority decides to terminate assistance to the family, the Fort Wayne Housing Authority must give the family written notice which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the Fort Wayne Housing Authority.

The Fort Wayne Housing Authority will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

Terminating Assistance for Alcohol Abuse by Household Members

Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the PHA determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Assistance will be terminated if a household member is arrested, convicted and/ or incarcerated more than one (1) time for any alcohol-related criminal activity on or near the premises within any 12 month period.

In appropriate cases, the Fort Wayne Housing Authority may permit the family to continue receiving assistance provided that household members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the Fort Wayne Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

The Fort Wayne Housing Authority will waive the requirement regarding alcohol abuse if:

The person demonstrates successful completion of a credible rehabilitation program approved by the Fort Wayne Housing Authority, or

The circumstances leading to the eviction no longer exist

Notice of Termination of Assistance

In any case where the Fort Wayne Housing Authority decides to terminate assistance to the family, the Fort Wayne Housing Authority must give the family written notice which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the Fort Wayne Housing Authority.

If the Fort Wayne Housing Authority proposes to terminate assistance for criminal activity as shown by a criminal record, the Fort Wayne Housing Authority will provide the subject of the record and the tenant with a copy of the criminal record.

The Fort Wayne Housing Authority will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The Fort Wayne Housing Authority will pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

The Fort Wayne Housing Authority will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated.

All criminal reports are maintained in a locked file cabinet from the time of receipt from the appropriate law enforcement agency until the final determination/redetermination of eligibility. Access is limited to individuals responsible for screening and determining eligibility for initial and continued assistance and to the and the Fort Wayne Housing Authority management team

Misuse of the above information by any employee will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination. When an adverse determination is made based upon the information received in a criminal record, the head of household will be given the opportunity to file a grievance in accordance with Chapter 19 of this administrative plan. Upon completion of the grievance procedures, criminal records will be shredded.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

1. The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.
4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).

6. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violations of the lease.
8. The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.
9. The family must promptly give the PHA a copy of any owner eviction notice.
10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.
12. The family must promptly notify the PHA if any family member no longer resides in the unit.
13. If the PHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or PHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.
18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

20. The household members may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
21. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

Housing Authority Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the FWHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The Fort Wayne Housing Authority will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The FWHA may also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

The Fort Wayne Housing Authority may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The FWHA may permit the other members of a family to continue in the program.

Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within ten (10) working days." Denial or termination of assistance is always optional except where this Administrative Plan or the regulations state otherwise.

HQS Breach

The HQS Inspector or Inspection Coordinator will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches in accordance with this administrative plan.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

If the owner initiates termination of tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the Fort Wayne Housing Authority determines that the cause is a serious or repeated violation of the lease based on available evidence.

If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and

If there are police reports, neighborhood complaints or other third party information, that has been verified by the Fort Wayne Housing Authority.

Notification of Eviction

If the family requests assistance to move and they did not notify the Fort Wayne Housing Authority of an eviction within ten (10) working days of receiving the Notice of Lease Termination, the move will be denied.

Proposed Additions to the Family

The Fort Wayne Housing Authority will deny a family's request to add additional family members who are:

Persons who have been evicted from public housing.

Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations.

Persons who have been part of a family whose assistance has been terminated under the Voucher program.

Persons who commit drug-related criminal activity or violent criminal activity.

Persons who do not meet the Fort Wayne Housing Authority's definition of family.

Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

Persons who currently owe rent or other amounts to the Fort Wayne Housing Authority or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

Persons who have engaged in or threatened abusive or violent behavior toward Fort Wayne Housing Authority personnel.

Family Member Moves Out

Families are required to notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

The date the family member moved out.

The new address, if known, of the family member.

A statement as to whether the family member is temporarily or permanently absent.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the Fort Wayne Housing Authority determines that the cause is a serious or repeated violation of the lease based on available evidence.

Nonpayment of rent is considered a serious violation of the lease.

Notification of Eviction

If the family requests assistance to move and they did not notify the Fort Wayne Housing Authority of an eviction within ten (10) working days of receiving the Notice of Lease Termination, the move will be denied or withdrawn.

Family Member Moves Out

Families are required to notify the Fort Wayne Housing Authority if any family member leaves the assisted household. When the family notifies the Fort Wayne Housing Authority, they must furnish the following information:

The date the family member moved out.

A statement as to whether the family member is temporarily or permanently absent.

Household members will not be removed

Limitation on Profit-making Activity in Unit

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If the Fort Wayne Housing Authority determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the Fort Wayne Housing Authority determines the business is not legal, it will be considered a program violation.

Interest in Unit

The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family.

Fraud

In each case, the Fort Wayne Housing Authority will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims: (Refer to Section D.)

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The Fort Wayne Housing Authority must offer the family an opportunity for a hearing. (See Chapter 2, Section D.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

False or Incomplete Information

When the Fort Wayne Housing Authority has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the Fort Wayne Housing Authority may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The Fort Wayne Housing Authority will then verify eligible status, deny, terminate, or prorate as applicable.

The Fort Wayne Housing Authority will deny or terminate assistance based on the submission of false information or misrepresentation.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the Fort Wayne Housing Authority either after the INS appeal or in lieu of the INS appeal.

After the Fort Wayne Housing Authority has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. ZERO (\$0) ASSISTANCE TENANTS

The Fort Wayne Housing Authority has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the Fort Wayne Housing Authority will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION

[24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the Fort Wayne Housing Authority to overpay assistance, the Fort Wayne Housing Authority may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses the Fort Wayne Housing Authority in full.

G. MISREPRESENTATION IN COLLUSION WITH OWNER

[24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the Fort Wayne Housing Authority will deny or terminate assistance.

In making this determination, the Fort Wayne Housing Authority will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the Fort Wayne Housing Authority to fulfill its responsibilities. The Fort Wayne Housing Authority schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the Fort Wayne Housing Authority to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the Fort Wayne Housing Authority, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the Fort Wayne Housing Authority to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Certificate/Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Recertifications
- Appeals

Examples of acceptable reasons for missing appointments or failing to provide information by deadlines are documented medical emergencies, family emergencies, etc.

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given one (1) opportunity before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing the termination will not be rescinded even after the family cures the breach. However, if the family has requested an informal hearing, proof of the cure may be presented as evidence during the informal hearing.

Reserved

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Chapter 16

OWNER DISAPPROVAL AND RESTRICTION

INTRODUCTION

It is the policy of the Fort Wayne Housing Authority to recruit owners to participate in the Certificate and Voucher program. The Fort Wayne Housing Authority will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the Fort Wayne Housing Authority. The regulations define when the Fort Wayne Housing Authority must disallow an owner participation in the program, and they provide the Fort Wayne Housing Authority discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The Fort Wayne Housing Authority will disapprove the owner for the following reasons:

HUD or other agency directly related has informed the Fort Wayne Housing Authority that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the Fort Wayne Housing Authority that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

HUD has informed the Fort Wayne Housing Authority that a court or administrative agency has determined that the has owner violated the Fair Housing Act or other federal equal opportunity requirements.

Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The Fort Wayne Housing Authority will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

In cases where the owner and tenant bear the same last name, the Fort Wayne Housing Authority may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligations to maintain the unit to HQS, including any standards the Fort Wayne Housing Authority has adopted in this policy.

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug trafficking.

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

The owner has not paid State or local real estate taxes, fines or assessments.

The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.302(a)(8), 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the Fort Wayne Housing Authority will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The Fort Wayne Housing Authority may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the HA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

C. CHANGE IN OWNERSHIP

A change in ownership requires the execution of a contract and lease amendment form.

The Fort Wayne Housing Authority may deny approval of assignment of the contract, for any of the reasons listed in Section A. of this chapter.

The Fort Wayne Housing Authority will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

If the new owner does not want an assignment of the contract, the Fort Wayne Housing Authority will terminate the HAP contract with the old owner, since they are no longer the owner. The new owner may offer the family a new assisted lease. The family may elect to enter into the new lease or move to another unit.

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Chapter 17

OWNER OR FAMILY DEBTS TO THE HA

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INTRODUCTION

This Chapter describes the Fort Wayne Housing Authority 's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the Fort Wayne Housing Authority 's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the Fort Wayne Housing Authority 's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the Fort Wayne Housing Authority, the Housing Authority will make every effort to collect it. The Fort Wayne Housing Authority will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus
- Income tax set-off programs

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 792.103, 982.552 (b)(6-8)]

A Payment Agreement as used in this Administrative Plan is a document entered into between the Fort Wayne Housing Authority and a person who owes a debt to the Fort Wayne Housing Authority. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the Fort Wayne Housing Authority upon default of the agreement.

The maximum amount for which the Fort Wayne Housing Authority will enter into a payment agreement with a family is \$2,500.00

The maximum length of time the HA will enter into a payment agreement with a family is 12 months.

The minimum monthly amount of monthly payment for any payment agreement is 1/12 of the maximum amount owed.

The HA will use a sliding scale system to determine the monthly payment.

Payment Schedule for Monies Owed to the HA

<u>Initial Payment Due (% of Total Amount)</u>	<u>Amount Owed</u>	<u>Maximum Term</u>
50%	0 - \$500	6 months
50%	\$501 - \$1,000	9 months
50%	\$1,001 - \$2,500	12 months

There are some circumstances in which the Fort Wayne Housing Authority will not enter into a payment agreement. They are:

If the family already has a Payment Agreement in place.

If the Fort Wayne Housing Authority determines that the family committed program fraud.

The Section 8 Director has discretion to modify the initial down payment and payment terms as requested by the family. At no time will the payment term exceed 12 months.

B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the HA for claims paid to an owner:

The Fort Wayne Housing Authority will require the family to pay the amount in full; or

The Fort Wayne Housing Authority will enter into a Payment Agreement.

Late Payments

A payment will be considered to be in arrears if:

The payment is not received by the close of the business day five (5) working days after the due date.

If the family's payment agreement is in arrears, the Fort Wayne Housing Authority will:

Require the family to pay the balance in full
Pursue collection of the balance due
Terminate the housing assistance

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, and the payment agreement is not in arrears:

The family will be required to pay the balance in full prior to the issuance of a certificate or voucher.

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim, the family will be required to pay the balance in full, or be terminated from the program. If the family pays the past due amount, they will be permitted to move.

C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

- Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the Fort Wayne Housing Authority due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

Program Fraud

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

If a family owes an amount which equals or exceeds \$10,000.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the HA will refer the case for criminal prosecution.

Payment Procedures for Program Fraud

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

The maximum time period for a Payment Agreement will be twelve (12) months.

The family will be required to pre-pay 1/2 of the amount owed prior to or upon execution of the Payment Agreement.

The minimum monthly payment will be 1/12 of the total sum owed.

D. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Payment Agreements will be executed between the Fort Wayne Housing Authority and the head of household.

A Payment Agreement will be considered to be in default when it is in arrears for 30 days

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Section 8 Director.

No move will be approved until the debt is paid in full.

Additional Monies Owed: If the family already has a Payment Agreement in place and incurs an additional debt, the Fort Wayne Housing Authority will not enter into more than one Payment Agreement with the family.

E. OWNER DEBTS TO THE HA [24 CFR 982.453(b)]

If the Fort Wayne Housing Authority determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the Fort Wayne Housing Authority may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract.

If future Housing Assistance Payments are insufficient to reclaim the amounts owed, the Fort Wayne Housing Authority will require the owner to pay the amount in full within 30 days.

F. WRITING OFF DEBTS

Debts will be written off if:

The debtor's whereabouts are unknown and the debt is more than ten (10) years old.

A determination is made that the debtor is judgment proof.

The debtor is deceased.

The amount is less than \$500.00 and the debtor cannot be located.

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Chapter 18

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the Fort Wayne Housing Authority. This Chapter describes the policies, procedures and standards to be used when families disagree with an Fort Wayne Housing Authority decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the Fort Wayne Housing Authority to ensure that all families have the benefit of all protections due to them under the law.

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A COMPLAINTS TO THE HA

The Fort Wayne Housing Authority will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The Fort Wayne Housing Authority does require that all complaints be in writing, this includes HQS violations.

Categories of Complaints

1. Complaints from families: If a family disagrees with an action or inaction of the Fort Wayne Housing Authority or owner.

Complaints from families will be referred to the assigned Housing Specialist

2. Complaints from owners: If an owner disagrees with an action or inaction of the Fort Wayne Housing Authority or a family.

Complaints from owners will be referred to either the Housing Specialist assigned to the tenant or the HQS Section if the complaint is related to HQS.

3. Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules.

Complaints from staff will be referred to the Section 8 Director.

The Fort Wayne Housing Authority hearing procedures will be provided to families in the briefing packet.

B. PREFERENCE DENIALS [24 CFR 5.415]

When the Fort Wayne Housing Authority denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for an informal review with Fort Wayne Housing Authority staff to discuss the reasons for the denial and to dispute the HA's decision.

The person who conducts the meeting is typically an officer or employee of the Fort Wayne Housing Authority who did not make or approve the decision.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS

[24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

When the Fort Wayne Housing Authority determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

The reason(s) they are ineligible;

The procedure for requesting a review if the applicant does not agree with the decision; and,

The time limit for requesting a review.

The Fort Wayne Housing Authority must provide applicants with the opportunity for an Informal Review of decisions denying:

Qualification for preference
Listing on the HA's waiting list
Issuance of a Certificate or Voucher
Participation in the program

Informal Reviews are not required for established policies and procedures and Fort Wayne Housing Authority determinations such as:

1. Discretionary administrative determinations by the Fort Wayne Housing Authority
2. General policy issues or class grievances
3. A determination of the family unit size under the Fort Wayne Housing Authority subsidy standards
4. Refusal to extend or suspend a Certificate or Voucher
5. Disapproval of lease
6. Determination that unit is not in compliance with HQS
7. Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an Informal Review must be received in writing by the close of the business day, no later than ten (10) business days from the date of the Fort Wayne Housing Authority's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by the person selected by the Section 8 Director. That person may be an employee of the HA, a commissioner or an individual from outside the Fort Wayne Housing Authority.

The applicant will be given the option of presenting oral or written objections to the decision. Both the HA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/or telephone if acceptable to both parties.

A Notice of the Review findings will be provided in writing to the applicant within 14 calendar days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]

When the Fort Wayne Housing Authority makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The Fort Wayne Housing Authority will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the Fort Wayne Housing Authority;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the Fort Wayne Housing Authority's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

The Fort Wayne Housing Authority must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following Fort Wayne Housing Authority determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment
2. Appropriate utility allowance used from schedule
3. Family unit size determination under Fort Wayne Housing Authority subsidy standards
4. Determination to terminate assistance for any reason.

The Fort Wayne Housing Authority must always provided the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and Fort Wayne Housing Authority determinations such as:

1. Discretionary administrative determinations by the Fort Wayne Housing Authority
2. General policy issues or class grievances
3. Establishment of the Fort Wayne Housing Authority schedule of utility allowances for families in the program
4. An Fort Wayne Housing Authority determination not to approve an extension or suspension of a certificate or voucher term
5. An Fort Wayne Housing Authority determination not to approve a unit or lease
6. An Fort Wayne Housing Authority determination that an assisted unit is not in compliance with HQS (HA must provide hearing for family breach of HQS because that is a family obligation determination)
7. An Fort Wayne Housing Authority determination that the unit is not in accordance with HQS because of the family size
8. An Fort Wayne Housing Authority determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is the Fort Wayne Housing Authority's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the Fort Wayne Housing Authority will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the Fort Wayne Housing Authority receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

1. The date and time of the hearing
2. The location where the hearing will be held
3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense
4. The right to view any documents or evidence in the possession of the Fort Wayne Housing Authority upon which the Fort Wayne Housing Authority based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.

The HA's Hearing Procedures

After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. If the family does not appear at the scheduled time, and did not make arrangements in advance, the decision of the Fort Wayne Housing Authority will stand and all rights to an informal hearing are forfeited.

Families have the right to:

Present written or oral objections to the Fort Wayne Housing Authority's determination.

Examine the documents in the file which are the basis for the Fort Wayne Housing Authority's action, and all documents submitted to the Hearing Officer;

Copy any relevant documents at their expense;

Present any information or witnesses pertinent to the issue of the hearing;

Request that Fort Wayne Housing Authority staff be available or present at the hearing to answer questions pertinent to the case; and

Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the Fort Wayne Housing Authority will make the copies for the family and assess a charge of \$0.10 per copy. In no case will the family be allowed to remove the file from the Fort Wayne Housing Authority's office.

In addition to other rights contained in this Chapter, the Fort Wayne Housing Authority has a right to:

Present evidence and any information pertinent to the issue of the hearing;

Be notified if the family intends to be represented by legal counsel, advocate, or another party;

Examine and copy any documents to be used by the family prior to the hearing;

Have its attorney present; and

Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the Fort Wayne Housing Authority who is neither the person who made or approved the decision, nor a subordinate of that person. The Informal Hearing may be conducted by the person selected by the Section 8 Director. That person may be an employee of the Fort Wayne Housing Authority, a commissioner or an individual from outside the Fort Wayne Housing Authority.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the Fort Wayne Housing Authority shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the Fort Wayne Housing Authority is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the Fort Wayne Housing Authority and the family within 14 days and shall include:

A clear summary of the decision and reasons for the decision;

If the decision involves money owed, the amount owed;

The date the decision goes into effect.

The HA is not bound by hearing decisions:

Which concern matters in which the Fort Wayne Housing Authority is not required to provide an opportunity for a hearing

Which conflict with or contradict to HUD regulations or requirements;

Which conflict with or contradict Federal, State or local laws; or

Which exceed the authority of the person conducting the hearing.

The Fort Wayne Housing Authority shall send a letter to the participant if it determines the HA is not bound by the Hearing Officer's determination within ten (10) days. The letter shall include the Fort Wayne Housing Authority's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the Fort Wayne Housing Authority hearing is pending but assistance to an applicant may be delayed pending the Fort Wayne Housing Authority hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the Fort Wayne Housing Authority notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the Fort Wayne Housing Authority either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the Fort Wayne Housing Authority a copy of the appeal and proof of mailing or the HA may proceed to deny or terminate. The time period to request an appeal may be extended by the Fort Wayne Housing Authority for good cause.

The request for an Fort Wayne Housing Authority hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the Fort Wayne Housing Authority will:

Deny the applicant family

Defer termination if the family is a participant and qualifies for deferral

Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the Fort Wayne Housing Authority will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the Fort Wayne Housing Authority is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Reserved

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Chapter 19
SPECIAL HOUSING TYPES
[24 CFR 982.601]

INTRODUCTION

The Fort Wayne Housing Authority will not set aside any program funding for special housing types, or for a special housing type. A family may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

Verification of Need for Reasonable Accommodation

An example of acceptable documentation as verification of the need for reasonable accommodation would be a letter to the Fort Wayne Housing Authority describing how the special housing type requested provides the accommodation that the person is in need of. The request and documentation will be reviewed by the Section 8 Director and a written response stating approval or disapproval will be sent to the applicant/participant within ten (10) of receipt of the request.

A copy of the Fort Wayne Housing Authority's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

HUD has determined that there is not a demand for SRO's in this area. Therefore, a single person may not reside in an SRO housing unit.

B. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The Fort Wayne Housing Authority may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The Fort Wayne Housing Authority will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.606]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the FMR/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom FMR/exception rent limit.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the FMR/exception rent limit for a family that resides in a congregate housing unit is the one bedroom FMR/exception rent limit.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

The HA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

C. GROUP HOMES [24 CFR 982.610, 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.[24 CFR 982.612]

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the Fort Wayne Housing Authority, a live-in aide may reside with a person with disabilities.

The Fort Wayne Housing Authority must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The Fort Wayne Housing Authority will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any Fort Wayne Housing Authority -approved live-in Aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the Fort Wayne Housing Authority will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Maximum Subsidy

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

For a Voucher Tenancy, the payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

The Fort Wayne Housing Authority will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

D. SHARED HOUSING [24 CFR 982.615]

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The Fort Wayne Housing Authority may approve a live-in aide to reside with a family in order to care for a person with a disability. The Fort Wayne Housing Authority must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the Fort Wayne Housing Authority. However, housing assistance may not be paid on behalf of an owner. The Fort Wayne Housing Authority will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in Chapter Eleven, Section E.

Maximum Subsidy

For the Voucher Program the payment standard is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard for the shared housing unit size.

If the Fort Wayne Housing Authority approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The Fort Wayne Housing Authority will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

E. COOPERATIVE HOUSING [24 CFR 982.619]

The Fort Wayne Housing Authority will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families the Fort Wayne Housing Authority will not approve assistance for a family in cooperative housing until the Fort Wayne Housing Authority has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with Chapter Eleven, Section E. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in Chapter Eleven, Section H.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in Chapter Eleven.

The Fort Wayne Housing Authority may approve a live-in aide to reside with the family to care for a person with disabilities. The Fort Wayne Housing Authority will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the Fort Wayne Housing Authority approves a live-in aide, the live-in aide will be counted when determining the family unit size.

Housing Quality Standards

The Fort Wayne Housing Authority will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in Chapter Ten and regulated by 24 CFR 982.401.

F. MANUFACTURED HOMES [24 CFR 982.620]

The Fort Wayne Housing Authority will permit a family to lease a manufactured home and space with assistance under the program. The Fort Wayne Housing Authority will provide assistance for a family that owns the manufactured home and leases only the space.

The Fort Wayne Housing Authority may approve a live-in aide to reside with a family to care for a person with disabilities. The Fort Wayne Housing Authority will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the Fort Wayne Housing Authority approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in Chapter Ten and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the Fort Wayne Housing Authority.

The Fort Wayne Housing Authority will not approve a lease for a manufactured home space until the Fort Wayne Housing Authority has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the Fort Wayne Housing Authority will redetermine that the rent is reasonable.

The HA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The Fort Wayne Housing Authority will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the Fort Wayne Housing Authority, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the Fort Wayne Housing Authority, the owner must provide the Fort Wayne Housing Authority information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

The FMR for a manufactured home space will be determined by HUD. Exception rents do not apply.

The payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for manufactured home space rental. The payment standard will be determined by the Fort Wayne Housing Authority in accordance with this Admin Plan.

Subsidy Calculation for the Voucher Program

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of: the amortization cost, the utility allowance, and the payment standard; OR

The monthly gross rent for the manufactured home space minus the minimum rent. For the Voucher program the minimum rent is the higher of: 10 percent of monthly gross income, or the Fort Wayne Housing Authority's minimum rent.

Amortization Cost

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the Fort Wayne Housing Authority determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The Fort Wayne Housing Authority will not approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

The Fort Wayne Housing Authority will not include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The Fort Wayne Housing Authority will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

Reserved

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CHAPTER 20

PROGRAM INTEGRITY

[24 CFR 792.101 to 792.204, 982.54]

INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The Fort Wayne Housing Authority is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The Fort Wayne Housing Authority will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the Fort Wayne Housing Authority's policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the Fort Wayne Housing Authority undertake an inquiry or an audit of a participating family arbitrarily. The Fort Wayne Housing Authority's expectation is that participating families will comply with HUD requirements, provisions of the certificate or voucher, and other program rules. The Fort Wayne Housing Authority staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the Fort Wayne Housing Authority has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the Fort Wayne Housing Authority's attention, to investigate such claims.

The Fort Wayne Housing Authority will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

1. Referrals, Complaints, or Tips. The Fort Wayne Housing Authority will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.
2. Internal File Review. A follow-up will be made if Fort Wayne Housing Authority staff discovers (as a function of a certification or recertification, an interim reexamination, or a quality control review), information or facts which conflict with previous file data, the Fort Wayne Housing Authority's knowledge of the family, or is discrepant with statements made by the family.
3. Verification of Documentation. A follow-up will be made if the Fort Wayne Housing Authority receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE HA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The Fort Wayne Housing Authority management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

1. Things You Should Know. This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the Fort Wayne Housing Authority's expectations for cooperation and compliance.
2. Program Orientation Session. Mandatory orientation sessions will be conducted by the Fort Wayne Housing Authority staff for all prospective program participants, either prior to or upon issuance of a certificate or voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.
3. Resident Counseling. The Fort Wayne Housing Authority will routinely provide participant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.
4. Review and Explanation of Forms. Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.
5. Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse
6. Participant Certification. All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

C. STEPS THE HA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The Fort Wayne Housing Authority Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

1. Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent recertifications, 10% of files will be reviewed. Such reviews shall include, but are not limited to:
 1. Assurance that verification of all income and deductions is present.
 2. Changes in reported Social Security Numbers or dates of birth.
 3. Authenticity of file documents.
 4. Ratio between reported income and expenditures.
 5. Review of signatures for consistency with previously signed file documents.
 6. All forms are correctly dated and signed.
2. Observation. The Fort Wayne Housing Authority Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income. Observations will be documented in the family's file.
3. Public Record Bulletins may be reviewed by Management and Staff.
4. State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits
5. Credit Bureau Inquiries. Credit Bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:
 1. When an allegation is received by the Fort Wayne Housing Authority wherein unreported income sources are disclosed.
 2. When a participant's expenditures exceed his/her reported income, and no plausible explanation is given.

D. THE HA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The Fort Wayne Housing Authority staff will encourage all participating families to report suspected abuse. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The Fort Wayne Housing Authority will not follow up on allegations which are vague or otherwise non-specific. They will only review allegations that contain one or more independently verifiable facts.

1. File Review. An internal file review will be conducted to determine:

If the subject of the allegation is a client of the Fort Wayne Housing Authority and, if so, to determine whether or not the information reported has been previously disclosed by the family.

It will then be determined if the Fort Wayne Housing Authority is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

2. Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Fort Wayne Housing Authority will initiate an investigation to determine if the allegation is true or false.

E. OVERPAYMENTS TO OWNERS

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the Fort Wayne Housing Authority may terminate the Contract and arrange for restitution to the Fort Wayne Housing Authority and/or family as appropriate.

The Fort Wayne Housing Authority will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the Fort Wayne Housing Authority or the tenant, as applicable.

F. HOW THE HA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the Fort Wayne Housing Authority determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the Fort Wayne Housing Authority will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.

Verification of Credit. In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages that may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the Fort Wayne Housing Authority's review.

Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the Fort Wayne Housing Authority will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. The Fort Wayne Housing Authority will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate Fort Wayne Housing Authority office. A high standard of courtesy and professionalism will be maintained by the Fort Wayne Housing Authority staff person who conducts such interviews. Under no circumstances will the management tolerate inflammatory language, accusation, or any unprofessional conduct or language. If possible, an additional staff person will attend such interviews.

G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE HA

Documents and other evidence obtained by the Fort Wayne Housing Authority during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among Fort Wayne Housing Authority Staff unless they are involved in the process, or have information which may assist in the investigation.

H. CONCLUSION OF THE HA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

I. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the Fort Wayne Housing Authority will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud).
2. Whether the violation was intentional or unintentional.
3. What amount of money (if any) is owed by the family.
4. If the family is eligible for continued occupancy.

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the Fort Wayne Housing Authority will propose the most appropriate remedy based upon the type and severity of the violation.

1. Procedural Non-compliance. This category applies when the family "fails to" observe a procedure or requirement of the Fort Wayne Housing Authority, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

Examples of non-compliance violations are:

Failure to appear at a pre-scheduled appointment.

Failure to return verification in time period specified by the Fort Wayne Housing Authority.

- (a) Warning Notice to the Family. In such cases a notice will be sent to the family that contains the following:

A description of the non-compliance and the procedure, policy or obligation that was violated.

The date by which the violation must be corrected, or the procedure complied with.

The action which will be taken if the procedure or obligation is not complied with by the date specified by the Fort Wayne Housing Authority.

The consequences of repeated (similar) violations.

2. Procedural Non-compliance - Overpaid Assistance. When the family owes money to the Fort Wayne Housing Authority for failure to report changes in income or assets, the Fort Wayne Housing Authority will issue a Notification of Overpayment of Assistance. This Notice will contain the following:

- A description of the violation and the date(s).

- Any amounts owed to the HA.

- A ten (10) day response period.

- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

- (a) Participant Fails to Comply with HA's Notice. If the Participant fails to comply with the and a family obligation has been violated, the Fort Wayne Housing Authority will initiate termination of assistance.
- (b) Participant Complies with HA's Notice. When a family complies the Fort Wayne Housing Authority's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated. The staff person will complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.

3. Intentional Misrepresentations. When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance, the Fort Wayne Housing Authority will evaluate whether or not:

- The participant had knowledge that his/her actions were wrong, and
- The participant willfully violated the family obligations or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrongdoing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- (a) An admission by the participant of the misrepresentation.
- (b) That the act was done repeatedly.
- (c) If a false name or Social Security Number was used.
- (d) If there were admissions to others of the illegal action or omission.
- (e) That the participant omitted material facts that were known to him/her (e.g., employment of self or other household member).
- (f) That the participant falsified, forged or altered documents.
- (g) That the participant uttered and certified to statements at a interim (re)determination which were later independently verified to be false.

4. Dispositions of Cases Involving Misrepresentations. In all cases of misrepresentations involving efforts to recover monies owed, the Fort Wayne Housing Authority may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

(a) Criminal Prosecution: If it has established criminal intent, and the case meets the criteria for prosecution, the Fort Wayne Housing Authority will:

Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

(b) Administrative Remedies: The Fort Wayne Housing Authority will require on of the following remedies, depending upon severity:

Terminate assistance and demand payment of restitution in full.

Terminate assistance and execute an administrative repayment agreement in accordance with the Fort Wayne Housing Authority's Repayment Policy.

Terminate assistance and pursue restitution through civil litigation.

Continue assistance at the correct level upon repayment of restitution in full in accordance with the provisions defined in this administrative plan.

Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the Fort Wayne Housing Authority's repayment policy.

5. The Case Conference for Serious Violations and Misrepresentations. When the Fort Wayne Housing Authority has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the Fort Wayne Housing Authority staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the Fort Wayne Housing Authority. The purpose of such conference is to review the information and evidence obtained by the Fort Wayne Housing Authority with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. The Fort Wayne Housing Authority will take any documents or mitigating circumstances presented by the family into consideration. The family will be given ten (10) working days to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist the Fort Wayne Housing Authority in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the following will be considered:

The duration of the violation and number of false statements.

The family's ability to understand the rules.

The family's willingness to cooperate, and to accept responsibility for his/her actions

The amount of money involved.

The family's past history

Whether or not criminal intent has been established.

6. Notification to Participant of Proposed Action. The Fort Wayne Housing Authority will notify the family of the proposed action no later than ten (10) days after the case conference by certified mail.

Reserved

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CHAPTER 21

HOMEOWNERSHIP PROGRAM

A. Home Ownership Option

The Section 8 Home Ownership Assistance (HOA) Program final rule implements an amendment to the regulations for the Section 8 tenant-based rental voucher program, 24 Code of Federal Regulations (CFR) Part 982, and is added as a new “special housing type”, under subpart M. The amendments implement Section 8(y) of the United States Housing Act of 1937, as amended by Section 555 of the Quality Housing and Works Responsibility Act of 1998. Section 8(y) authorizes a Public Housing Agency (PHA) to provide tenant-based assistance for an eligible family that purchases a dwelling unit that will be occupied by the family. Homeownership assistance offers a new option for families that receives Section 8 tenant-based assistance.

The Fort Wayne Housing Authority (FWHA) hereby establishes and shall administer the HOA program in accordance with the rules and regulations outlined in the 24 CFR, Section 982. Following are the policies and procedures that outline the operation of the FWHA HOA program and are included in the Section 8 Administrative Plan.

B. Statement of Non-Discrimination

The FWHA will administer and operate the Home Ownership Assistance (HOA) Program without regard to race, religion, color, or creed, sex or sexual orientation, family status or national origin. Reasonable accommodations will be afforded to any person with disabilities, that otherwise qualify for the program; provided that such assistance does not cause undo financial and/or administrative burdens to the FWHA.

The FWHA will administer the HOA program in accordance with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and current statutory and regulatory rules governing Section 8 Programs.

C. FWHA HOA Program Size

FWHA shall initially operate a HOA program of fifty households, and shall increase the program size at its sole discretion. The program size shall not exceed five percent of the FWHA's total tenant-based Housing Choice Voucher Program (HCVP).

D. Outreach

FWHA shall utilize the following outreach efforts to inform potential HOA program participants and organizations involved in the home purchase field:

- a) Informational workshops for prospective participants;
- b) Informational workshops for Lenders, Realtors, community-based and other applicable organizations;

- c) Development of brochures, letters and flyers for Section 8 HCV-FSS participants;
- d) A Homeownership Program Fact Sheet will be included in the tenant information packet during Section 8 program briefings. The Fact Sheet shall include a description of the HOA program, and minimum program requirements;
- e) A Family Self-Sufficiency (FSS) pre-enrollment applications shall be provided to Section 8 participants during their annual re-certifications;
- f) Brochures about the HOA program shall be placed in local consumer credit counseling and trustee offices, check cashing facilities, banks, mortgage companies, laundry mats, grocery stores and other applicable organizations who serves Section 8 families and/or who are working in cooperation with the FWHA; and
- g) The official FWHA website.

E. New Voucher Holder

FWHA reserves the right to restrict the HOA program to current Section 8 participants. New voucher holders will be given information about the HOA program for future consideration, but will not be allowed to participate in the HOA program until they have maintained residency within the City of Fort Wayne as a Section 8 participant for at least one year, and joined the FSS program in accordance to Section 21.20.6 of this HOA program administrative plan.

F. Family Eligibility and Qualification

To qualify for the HOA program, a family must meet the following eligibility criteria:

1. A family must meet the requirements for admission to or continued participation in the FWHA tenant-based Section 8 Housing Choice Voucher Program;
2. Must be a "First Time Home Buyer". To qualify as a First-time home buyer, the family must meet one of the following definitions:
 - i. The assisted family may not include any person who owned a "present ownership interest" in a residence of any family member during the three years before the commencement of homeownership assistance for the family;
 - ii. A single parent or displaced homemaker, who while married, owned a home with his/her spouse, or resided in a home owned by his/her spouse;

iii. Cooperative Member – Residents of limited equity cooperatives are eligible for the homeownership option. A family that owns or is acquiring shares in a cooperative is considered a first time home buyer, as the rule allows assistance for a family that already owns cooperative shares before commencement of Section 8 homeownership assistance, not just for a family that acquires cooperative shares for the first time with the support of such assistance. (Title to a mobile home is not considered as a homeownership for the purposes of this option).

3. At least one or more of the family members who will purchase the home must be employed on a full-time basis for a minimum of twelve consecutive months prior to the application to participate in the HOA program. The minimum employment income is equal to 2000 hours at the federal minimum wage. Employment must be for not less than an average of 30 hours per week.
4. The employment requirement does not apply to a family that includes an elderly or disabled person, or to families that include a disabled person, if requesting such an exemption; verification must be on file in order for FWHA to grant the request as a reasonable accommodation.
5. The minimum employment requirement will be applied to determine initial eligibility and at each time the family requests to move with continued HOA. Or, in the case of a family member who will purchase the interest of the home of another family member who has ownership interest in the home.
6. For eligibility purposes, FWHA shall count the welfare income of an elderly or disabled person.
7. Successive and breaks of employment lasting for more than a thirty (30) day period shall be reviewed by FWHA on a case by case basis.
8. The head of household **must** be a member of the Section 8 Family Self-Sufficiency (FSS) Program for a minimum period of one year, including the development of an Individual Training and Services Plan (ITSP), and are meeting the obligations of their FSS contract of participation.
9. Or the family may be a former member of the FSS program who has successfully completed the program. The family will be required to meet all other obligations and pre-requests of the HOA program.
10. Elderly and disabled persons are exempt from the requirement to participate in the FSS program, but are welcomed to participate.
11. The family cannot include members who have defaulted on a mortgage obtained while in a HOA program. Any family that has previously defaulted on a mortgage obtained in a HOA program is permanently barred from participation in the FWHA HOA program.

12. The family is in "Good Standing" with FWHA. Good Standings is defined as a family who does not have a debt with FWHA or another Housing Authority. Before approval to enter the HOA program, the family must re-pay all outstanding debts to the FWHA or another Housing Authority.
13. A family that has failed to establish a repayment agreement on a debt with FWHA, or has failed to honor an established repayment agreement with FWHA, or another Housing Authority, shall be required to satisfy the debt before the family is allowed to enter FWHA HOA program.
14. If a family is an existing member of the FSS program and develops a debt with FWHA, the family shall not be allowed to enter the HOA program until it has paid the debt in full. If the debt is a result of fraudulent activity on the part of the family member who has executed an FSS contract of participation, the family will be terminated from the FSS program and forfeit any escrow saved.

G. Homeownership Program Briefing

The family shall attend a briefing about the HOA program. At a minimum, the briefing will include the following subjects:

- a) A detailed explanation of the HOA program and how it differs from the Section 8 rental assistance program.
- b) Information about HUD approved homebuyer education counseling programs, and the conditions for satisfactory completion and verification of attendance.
- c) Issuance of the HOA certificate.
- d) A list of some types of loans that are approved for use with the HOA program.
- e) An explanation of how FWHA assistance portion is calculated.
- f) A Fact Sheet to potential lenders and realtors, explaining the HOA program.
- g) The issuance of a "Pre-Homeownership Option Voucher" by FWHA;
- h) A list of required documents the family must provide to FWHA such as:
 - i. Verification of funds for the family's 3% initial down-payment investment.
 - ii. A copy of the contract of sale to purchase.
 - iii. A copy of the professional home inspection report.
 - iv. A copy of the pest report for the home to be purchased, (if applicable)
 - v. A copy of the home purchase closing documents.
 - vi. Good Faith Estimate sample.
- i) A statement of family obligation and responsibility.
- i) Other related documents as deemed necessary by FWHA.

H. Home Ownership Counseling

Prior to approval of participation in the HOA program, each family must attend and satisfactorily complete Home Buyer Education Counseling, offered by FWHA and/or a HUD approved housing counseling agency. Minimum pre-assistance counseling includes the following:

- A. Credit Counseling;
- B. Money management and budgeting;

- C. How to find a home (including information about homeownership opportunities, schools, and transportation);
- D. How to negotiate the purchase price of a home;
- E. How to get home ownership financing (pros & cons of different financing);
- F. Real Estate settlement procedures;
- G. Fair Housing and local fair housing agencies;
- H. How to avoid and identify predatory lending and high-risk loans;
- I. Homeownership Insurance and Taxes; and
- J. Homeownership Maintenance and Repairs.
- K. Building wealth for future dependents.

I. Family Search and Home Purchase

Once the family is deemed “mortgage ready” by FWHA, and a HUD approved lender a “Pre-Homeownership Option Voucher” is issued. All families may not be able to achieve “mortgage ready” status due to their need to resolve issues such as, credit repair. Families who do not meet the “mortgage ready” status cannot proceed in the program until all issues are resolved.

Once the family has been issued a Pre-Homeownership Option Voucher and has obtained pre-approval financing by a lender, the family can begin their search for an eligible property to purchase. When the family locates a property that they are interested in purchasing, they will attempt to enter into an authorized “contract of sale” with the seller.

Once this is achieved, the family must give copies of the “contract of sale” to FWHA and the lender. The “contract of sale” is contingent upon the Housing Quality Standards (HQS) and an Independent Inspection of the property and review of financing by FWHA and the lender.

J. Minimum Family Down-Payment/ Equity Requirement

The family must contribute a minimum of 3% of the purchase price of the home with income taken from the family’s personal resources. Not more than 80 percent of the total down payment may be advanced from the family’s FSS escrow account. A family may combine personal savings along with an amount from their FSS program escrow account to accumulate the total 3% down payment.

The family must be able to demonstrate to the satisfaction of FWHA that they have the 3% minimum deposit with a bank, savings, loan, credit union or other financial institution, or in an FSS program escrow account. Documents that may be acceptable forms of verification may include, but is not limited to the following:

1. Checking/savings account statement for the last three months; or
2. An FSS escrow account balance report or letter.

K. HOA Voucher Time Limits and Extensions

The family shall be issued a Homeownership Option Voucher for an initial period of 60 days. If the family has not found a home to purchase within the initial 60 day period, the family may be granted an additional 60 days. If all necessary loan approvals, home inspections and escrow closing does not occur within the second 60 day period, the family may submit a written request for an extension for an additional 60 days to FWHA. The combined maximum period cannot exceed six (6) months. Any further extensions will be at the discretion of FWHA Director or its assignee. The family may at any time during the six (6) month period decide to cancel their HOA voucher and maintain their Section 8 tenant-based rental assistance status.

If the family has executed a "contract of sale" and fails to complete the sale for reasons other than those beyond their control, such as not securing a loan, the home fails inspection, or the sellers' failure to meet the conditions outlined in the "contract of sale", the family's HOA participation request may be withdrawn by the FWHA. If a withdrawal occurs, the family will be required to wait one (1) year before they are allowed to participate in the HOA program again. If the buyer cancels without good cause, all expenses incurred from the cancellation of contract will be the sole responsibility of the family.

L. Type of Home and Permitted Ownership Arrangements

FWHA must determine that the home is eligible. A family approved for HOA may purchase the following type of homes within the FWHA jurisdiction:

1. New or existing home;
2. Single family home;
3. Condominium;
4. Home under construction;
5. Cooperative;
6. A home within the jurisdiction of another PHA, provided the receiving Housing Authority is operating a HOA program, and the buyer has resided within the FWHA's jurisdiction for at least 60 consecutive months;
7. The home is a one-unit property. Homes with investment potential will not be approved for use in the HOA program;
8. The home passes a Housing Quality Standards (HQS) Inspection,

The following "Special Housing Types" are not allowable for use in the HOA program:

- A. Congregate Housing;
- B. Group Homes;
- C. Shared Housing;
- D. Cooperative Housing (excluding families that are not cooperative members);
- E. Manufactured Homes; or
- F. Single Room Occupancy units.

The HOA may be utilized in two housing types:

1. A home owned by the family where one or more family members holds title to the home; and
2. A cooperative unit where one or more family members hold membership shares in the cooperative.

M. Contract of Sale

A family must execute a “purchase agreement” or “contract of sale” with the owner of the property to be purchased. The exception is in the case of cooperative members, with existing cooperative shares. All “purchase agreements” or “contract of sale” must include a provision for FWHA to inspect the property, in addition to an inspection of the home by a licensed professional home inspector. The contract must state that the purchaser is not obligated to purchase the home unless such inspections are satisfactory to FWHA.

The contract must also include language stating:

1. That the purchaser is not obligated to pay for any necessary repairs without FWHA’s approval; and
2. That the purchaser is not obligated to purchase the home if the mortgage finance terms are not approved by FWHA;

The contract must further contain a “seller certification” that the seller is not debarred, suspended, or subject to limited denial of participation, under 24 CFR part 24.

Once a home is located and a purchase agreement is approved by FWHA and is signed by the family, the family shall have up to 3-months or whatever is set forth in the FWHA’s approved sales agreement, to purchase the home.

N. Home Inspections

Two (2) kinds of physical inspections are required in the HOA program, in addition to and separate from any lender-required inspection:

1. A Housing Quality Standard (HQS) inspection conducted by FWHA. The HQS inspection does not include an assessment of the adequacy and life span of the major building components, building systems, appliances and other structural components. However, the inspection will indicate the current physical condition of the home and any repairs necessary to ensure that the home is safe, and otherwise habitable.
2. An independent professional home inspection. The inspection must cover the major building systems, including the foundation, structure, plumbing, electrical and heating systems, the interior and exterior and the roof.
 - a. HOA participants must obtain from the seller, a 24-month utility usage analysis in order to determine if the home’s energy efficiency is affordable;

The FWHA reserves the right to deny home ownership assistance on any home whose energy efficiency is not considered affordable for HOA participants.

The home inspector cannot be an employee or contractor of FWHA. The home inspector chosen by the family must be a member of the American Society of Home Inspectors (ASHI) or the American Association of Professional Home Inspectors (AAPHI). FWHA shall maintain a database listing of memberships for both the ASHI and the AAPHI for the family's use.

The home shall be inspected by FWHA on an annual basis for the first two years of participation in the HOA program. Thereafter, FWHA will continue inspections to ensure annual re-certification requirements are met.

The professional home inspection must be requested and paid for by the family and a copy of the inspection report must be provided to the FWHA before scheduling closing on the home.

The sources of funds for family payment of the home inspection may be a source other than family savings.

1. Home Inspection Report – Review, Approval, or Disapproval

FWHA will review the professional inspection report to determine whether repairs are necessary prior to purchase and to generally assess whether the purchase transaction makes sense in light of the overall condition of the home and the likely cost of repairs and capital expenditures.

All professional independent home inspections will be measured against the Inspection Standards and Practices published by the American Society of Home Inspectors (ASHI), or those published by the American Association of Professional Home Inspectors (AAPHI).

If FWHA's HQS inspection report and/or the professional Inspector's report reveal that the home meets satisfactory standards and there are no deficiencies that cannot be corrected prior to sale, FWHA shall take the following action:

1. Provide the family with a notice of inspection approval, and instruct the family to proceed with the home purchase process.

If FWHA's HQS inspection report and/or the professional Inspector's report reveal costly defects in the home, FWHA shall take one or more of the following actions:

1. Review the report with the family to discuss whether it is feasible to have the necessary repairs completed prior to sale. If the family and FWHA agree that such repairs would be feasible, FWHA will outline those defects, as noted in the inspection reports that must be corrected prior to sale, within a specific time frame for correction. Upon correction of the defects, FWHA will complete a follow-up HQS inspection. The family will be required to follow-up with the professional Inspector to review the corrections on their behalf. The family must provide FWHA with a copy of the follow-up home inspection report.

2. Disapprove the home for assistance because of the major physical problems and substantial corrections cost and provide the family with a "Notice of Disapproval". The notice will state the reason for the disapproval, and inform the family that they must withdraw their offer on the home and search for another home to purchase. The time period between the HQS inspection and the disapproval will not be counted against the family.
3. All defects and repairs must be completed at least two weeks prior to the purchase closing date.

O. Cooperative Members

FWHA may provide HOA to a family who is a member of a cooperative and who owns or is acquiring membership shares in the cooperative. The cooperative member must meet the basic minimum eligibility criteria established by FWHA, including minimum income and employment requirements for at least one or more of the family members that owns or is acquiring membership shares.

FWHA shall require an HQS inspection prior to commencement of HOA. If the unit fails inspection, FWHA will employ its standard inspection follow-up procedures related to the HOA program. (*See 21.13 Home Inspections*) A cooperative member is exempt from the requirement to obtain a professional home inspection.

FWHA shall make HOA payments directly to the cooperative on behalf of the cooperative member.

The cooperative family is not required to maintain continued affordability for lower income families after transfer of the members' interest. All other requirements, policies and procedures of the HOA program shall apply to the cooperative member(s).

P. Selecting Realtors and Agents

The family shall be responsible for selecting their own real estate agents, inspectors and representatives. FWHA will not direct a family to any specific sales representatives, lenders, mortgage companies or real estate agents.

FWHA will have available information about real estate lenders, sales agents, and down-payment programs that the family may choose to use at their sole discretion. FWHA has established the cooperation of the following public and private organizations, which the family may choose to use at their sole discretion:

1. Fort Wayne Community Development & Planning
2. City of Fort Wayne Housing & Neighborhood Services
3. Down Payment Assistance (DALP) Program
4. Mortgage Credit Certificate (MCC) Program
5. 1st Time Home Buyer Program
6. Consumer Credit Counseling Agency
7. Fort Wayne Redevelopment Agency
8. National City Bank
9. Wells Fargo Bank

Q. Finance Requirements and Loan Affordability

The family is responsible for securing their own loan financing for participation in the HOA program. All loans must comply with secondary mortgage market underwriting requirements. If the loan is financed with FHA mortgage insurance, such financing is subject to FHA mortgage insurance requirements. FWHA reserves the right to review lender qualifications, loan terms, or other debt to determine that the debt is affordable. The family must provide FWHA with a copy of their loan documents for approval by FWHA prior to an offer to purchase or execution of a "contract of sale". The loan document must include the names of all persons that are party to the loan.

FWHA may disapprove proposed financing, refinancing or other debt if it is determined that the debt is unaffordable or loan terms do not meet FWHA's qualifications. If FWHA disapproves a loan, we will notify the family and lender in writing within 14 business days of the decision.

If a mortgage is not FHA insured, FWHA will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/FHA, Ginnie Mae, Fannie Mae, Freddie Mac, Indiana Finance Agency (IFA), the Federal Home Loan Bank or other private lending institutions.

The family's loan terms must be approved by FWHA and before the family executes a "contract of sale". FWHA will determine the family's affordability of their finance terms, taking into account other family expenses including, but not limited to, childcare, unreimbursed medical expenses, transportation cost, education and training expenses.

R. Loan Restrictions

FWHA has identified that certain types of funding sources are considered high-risk and are detrimental to the family's successful participation in the HOA program. Listed below are types of financing that are not approved:

1. Balloon payments;
2. Variable rate loans without a maximum ten percent interest rate cap;
3. Fixed rate loans with interest rates exceeding ten percent;
4. Loans including other persons other than those listed in the family HOA application with FWHA;
5. Seller financed loans (exemption to this provision will be reviewed on a case by case basis);
6. Other types of loans that come to the attention of FWHA that demonstrates a high-risk factor – (to be decided on a case by case basis);
7. High ratio family debt to income;
8. Loans with pre-payment penalties; and
9. Loans with excessive fees or fees packed into the loan amounts.

When available, FWHA will utilize funds from local or State Community Development Block Grant (CDBG), Home Funds or other subsidized financing in conjunction with the HOA program.

S. Loan Disapproval

FWHA reserves the right to determine if the family's finance terms to secure a mortgage are acceptable under the HOA program. FWHA decision to deny a loan shall be based on the following:

- a) The loan terms are considered high-risk, i.e. (balloon payment);
- b) Includes a variable interest rate with a cap exceeding 10%;
- c) The family's income, combined with housing assistance is insufficient to cover all housing costs;
- d) The loan or purchase contract has terms and conditions that are burdensome and inconsistent with the HOA program rules and objectives.

In the event of an appeal of the decision by the family, the FWHA's Director or its assignee will review the decision.

During the initial HOA program briefing, the family will receive a list of certain types of loans that are not approved for use with the HOA program. However, in the event a family secures a loan type that has been categorized as "unapproved", FWHA will take the following action:

1. The family will be issued a "Notice of Loan Disapproval". The notice will state the reason for the disapproval, and inform the family that they must seek another type of financing.
2. The time between submission of the loan documents and the disapproval will not be counted against the family time to find a home under the HOA program.

T. Lease – Purchase Agreement

HOA assistance may be provided to a family that previously occupied a unit under a lease-purchase agreement. A lease-purchase agreement is a lease/rental agreement between a property owner and a tenant with the objective of the tenant to purchase/take title to the leased/rented property by a specified time. In most cases, the monthly rent includes an amount referred to as a homeownership premium, which is an increment of value attributable to the value of the lease purchase right or agreement such as an extra monthly payment to accumulate a down payment or reduce the purchase price.

If a family who holds a Section 8 voucher, or is currently receiving rental assistance under the Section 8 rental assistance program would like to enter into a lease-purchase agreement with the property owner, the family may do so. However, the family will not be subject to the HOA regulatory requirements until the family is ready to exercise the HOA program option. At that time FWHA will determine if the family is eligible for the HOA program.

Lease purchase agreements are considered rental, and all the normal tenant-based Section 8 rental rules are applicable. Therefore, the FWHA will not make a housing assistance payment for a lease-purchase unit that may exceed the amount that would be paid on behalf of the family, if the rental unit were not subject to a lease-purchase agreement.

The family must absorb any homeownership premium, or extra monthly payment towards a down payment related to the lease-purchase agreement. Families are permitted to pay any extra amounts out of pocket to the owner for purchase-related expenses. Therefore, when FWHA determines whether or not the rent on a lease-purchase agreement is reasonable, any homeowner premium is excluded.

The family must meet all of the initial HOA program eligibility criteria before being approved to enter the HOA program. Therefore, if the family purchases or takes title to the home before receiving approval to participate in the HOA program, the family will be determined ineligible to participate in the HOA program.

When a family who has leased a home under a lease-purchase agreement is approved for participation in the HOA program, and chooses to exercise the HOA program for that home, the family must complete the following:

- a) Meet all initial eligibility criteria for participation in the HOA program;
- b) Complete homeownership counseling;
- c) Secure mortgage financing and obtain approval of the finance terms by the FWHA; and
- d) Arrange for an independent professional home inspection and provide FWHA with a copy of the inspection report.

Upon approval to enter into the HOA program, the lease/purchase family will be processed pursuant to the established HOA program procedures outline in this plan.

U. Family Obligations and Continued Assistance Requirements

The family must execute a "Statement of Family Obligations". In the statement, the family agrees to specific obligations, rules and requirements of the HOA program as follows:

1. Occupancy of the Home

HOA will be paid while the family is residing in the home. If the family moves out of the home, FWHA will not continue HOA payments beyond the month the family moved out. The family or lender is not required to refund to FWHA the HOA payments for the balance of the month the family moved out.

2. Compliance with the Mortgage

1. The family must comply with the terms of the mortgage, securing debt incurred to purchase the home, and any refinancing of such debt.
2. The family must obtain written approval from FWHA before securing any refinancing or equity loan.

3. During the time the family receives homeownership assistance, no family member may have any ownership interest in any other residential property.

3. Limitation against Conveyance or Transfer of the Home

During the family's participation in the HOA program, they may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home. If the family chooses to sell the home to another family member, they must inform FWHA of their intent prior to the sale, and receive written consent from FWHA before commencing with any sale, refinancing or transfer of interest. The family is required to provide FWHA with applicable documentation related to any sale, refinancing or transfer.

Upon the death of a family member who holds, in whole or in part, title to the home or ownership of cooperative membership shares for the home, HOA may continue pending settlement of the decedent's estate, notwithstanding transfer of the title by operation of law to the decedent's executor or legal representative, so long as the home is solely occupied by remaining family members. Upon settlement of the estate, FWHA will review the case with the lender to determine the homeownership status and issue a determination based on its findings. The family is required to inform the FWHA of the decedent's death within 14 days of its occurrence.

4. Family to Provide Required Documents to FWHA

- ❑ Any mortgage or other debt incurred to purchase the home, and any refinancing of such debt (including information needed to determine whether the family has defaulted on the debt, and the nature of any such default, and information on any satisfaction or payment of the mortgage debt);
- ❑ Any sale or other transfer of any interest in the home;
- ❑ The family's homeownership expenses; and
- ❑ During each annual recertification, the family is required to verify that they are current on mortgage, insurance and utility payments.

5. Changes in Family Income/Household Composition

The family must inform FWHA of any changes in the sources and amounts of family income and notify FWHA of any changes in the family composition within 14 days of the change.

1. The family must comply with the obligations of the HOA program;
2. The family must not sub-lease or assign the property;
3. No family member may commit fraud, bribery or any other corrupt or criminal act in connect with the program; and
4. No family member must partake in illegal drugs or violent criminal activities;

6. Compliance with the Family Self-Sufficiency (FSS) Program

The family must comply with the terms and requirements of the FSS program and their FSS Contract of Participation. Elderly and disabled persons are exempt from the requirement to participate in the FSS program, but are not prohibited from participation.

7. Ongoing Housing Counseling

All participating family members (i.e. those signing the purchase offer or loan documents) must satisfactory complete FWHA or HUD approved Homeownership Program prior to receiving homeownership assistance. FWHA will require participating family members to attend additional post purchase classes, and one annual one-on-one session per year as a condition of continued assistance.

8. Compliance to Annual HQS Inspection

All participating families must allow an annual HQS inspection by the FWHA during the term of the home ownership assistance contract to determine whether the home is maintained in accordance with HUD's HQS standards for safe and habitable housing.

V. Term of Home Ownership Assistance

Except for elderly and disabled families, HOA may only be paid for a maximum period of 15 years if the initial mortgage incurred to finance the purchase of the home has a term of twenty years or longer. In all other cases, the maximum term is ten years.

The maximum term for homeownership assistance does not apply to an elderly family or disabled family. In the case of an elderly family, this exception is only applied if the family qualifies as an elderly family at the commencement of the HOA program. In the case of a disabled family, the exception applies, if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

If, during the course of HOA, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date HOA commenced. However, such a family must be provided at least 6 months of HOA assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive Section 8 HOA).

The maximum term applies to any member of the family who:

1. Has an ownership interest in the home; and/or
2. Is the spouse of any member of the household.

W. Amount and Distribution of Monthly Home Ownership Assistance Payments

The family's Section 8 monthly homeownership assistance payment will be the lower of 1) the Section 8 voucher payment standard minus the Total Tenant Payment; or 2) the monthly homeowner expenses minus the Total Tenant Payment.

The payment standard for the family is the lower of:

- 1) The payment standard for the family unit size; or

2) The payment standard for the size of the home

The payment standard is established at one of the following points:

- 1) Commencement of homeownership assistance for occupancy of the home; or
- 2) The most recent regular reexamination of the family income and composition since the commencement of homeownership assistance for occupancy of the home.

FWHA does establish a separate payment standard for assistance under the HOA program.

Homeownership expenses include principal and interest on the mortgage debt, refinancing charges of the mortgage debt, taxes and public assessments, insurance, maintenance allowance expenses, major repairs and replacements will be based on recommended allowances provided by a FWHA designee.

The monthly HOA payment will be made directly to the lender on behalf of the family. An exception to this provision will be made on a case-by-case basis, and will be approved only when direct lender payments have been determined to be unacceptable by the lender from whom the family has received their mortgage financing.

If the family's income increases to a level that is no longer eligible to receive a homeownership assistance payment, eligibility for such payments will continue for 180 calendar days. At the end of a continuous period of 180 days without any assistance payments, eligibility for homeownership assistance will automatically terminate.

X. Determination of Expenses and Credits

The amount of assistance shall be determined by the FWHA based on an adjusted voucher credit calculation in consideration of the following costs to the family:

- a) Principal and interest on the initial mortgage debt and any mortgage insurance premium incurred to finance the purchase of the home and any refinance of such debt;
- b) Real estate taxes and public assessments on the home;
- c) Homeowners' insurance;
- d) FWHA's maintenance, major repairs and replacements allowance schedule; and
- e) FWHA's utility allowance schedule

Homeownership expenses for a cooperative member will include:

- i. The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- ii. Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt or other mortgage debts;
- iii. Homeowners' insurance;
- iv. FWHA's allowance for maintenance expenses, including major repairs and replacement; and

- v. FWHA's utility allowance schedule

Y. Relocation and Portability

The family is prohibited from moving more than once in a 60-month period, unless extenuating circumstances occur. The following outlines the process and requirements of the homeowner wishing to relocate or port to the jurisdiction of another Housing Authority:

1. The family will be required to participate in post housing counseling;
2. The homeowner must properly dispose of all existing debt incurred from the purchase of any home under the FWHA's HOA program.
3. Satisfy other requirements of the receiving Housing Authority; and
4. Obtain written approval prior to re-housing from FWHA,

A family that is determined eligible for homeownership assistance may opt to exercise their right of portability under the HOA program to an area outside of FWHA's jurisdiction. The family may exercise this option, if the receiving Housing Authority is administering an HOA program, accepting new families, and is willing to absorb vouchers from FWHA into their HOA program.

The receiving PHA may absorb or use the normal portability billing process, if FWHA has sufficient budget authority to do so.

When moving to another county, a family must adhere to the receiving PHA's administrative policies. The family is required to attend a briefing and counseling sessions required by the receiving PHA. The receiving PHA, not FWHA will determine whether the financing for and the physical conditions of the home are acceptable.

A family cannot exercise portability to a county that does not have an HOA program, or is not accepting new participants.

When a family decides to exercise portability, the FWHA will take the following steps:

- 1) Contact the receiving PHA to determine if it is operating an HOA program and if they are accepting new participants. If the receiving PHA does have a HOA program and they are accepting new participants, FWHA will complete the following task(s):
 - a. Notify the family that the receiving PHA does have a HOA program and is accepting new participants.
 - b. Complete a review and verification of all family income, and request recent documentation to verify such income.
 - c. Submit a letter of portability to the receiving PHA; copies of family data including documentation of all sources of income, copies of social security cards, birth certificates, bank statements and other necessary information needed to assist the receiving PHA in determining the family's HOA assistance amount.

- d. Submit to the receiving PHA a copy of the family's HUD-50058 "Family Summary" report.
- e. Submit a letter of intent to the receiving PHA of their intent to absorb the family or bill FWHA; and
- f. Establish an account with the receiving PHA if a determination is made that they will not absorb the family into their HOA program.

Z. Recapture

Upon sale or refinancing, FWHA shall recapture a percentage of the homeownership assistance out of proceeds retained by the family. The family is required to execute documentation as required by HUD that secures FWHA's right to recapture homeownership assistance payments.

The recapture amount for sale is the lesser of:

1. Homeownership assistance subject to recapture;
2. Difference between the sales price and the purchase price, less any of the following:
 1. Any capital expenditures;
 2. Sales costs (closing costs, sales commission)
 3. Amounts used toward the purchase of a new home;
 4. Previous recaptured amounts

The recapture amount upon refinancing is the lesser of:

1. Homeownership assistance subject to recapture;
2. Difference between the current mortgage debt and the new mortgage debt (cash-out) less any of the following:
 1. Costs of any capital expenditures;
 2. Refinancing costs;
 3. Amounts previously recaptured

The recapture amount will be reduced over a 10-year period and the reduction will commence one year from the initial purchase date. The reduction will occur in annual increments of ten percent (10%).

AA. Notice of Move-Out and Mortgage Default

The family must notify FWHA of its intent to move out of the home by supplying FWHA with an advance written 30-day notice.

The family will notify FWHA in advance if any family member who owns, in whole or in part, any ownership interest in the home moves out. The family may not have an interest in another home or purchase another home.

The family must notify FWHA if the mortgage is delinquent after the 15th of the month.

BB. Moving with Continued HOA Payments

If a family chooses to move to another home with continued assistance from the HOA program, they must meet the statutory employment and minimum income requirements. If a family cannot meet the statutory employment and minimum income requirements, the family will be denied permission to move with continued HOA payments.

CC. Denied to Move with Continued Assistance

FWHA may exercise the right to deny a family continued assistance when relocating for one or more of the following reason(s):

1. Lack of funding: FWHA may deny permission to move with continued voucher assistance if FWHA does not have sufficient funding to provide continued assistance;
2. If a family has not met its family obligations as outlined in the HOA program "Statement of Family Obligation";
3. If the family has committed fraud in connection with the HOA program;
4. If the family has defaulted on a FHA insured mortgage, (they will not be able to receive rental assistance, but may re-apply to the Section 8 program)

FWHA will deny the family permission to move with continued voucher assistance unless the family demonstrates:

- a) The family has conveyed title to the home, as required by HUD, to HUD or to HUD's designee; and
- b) The family has moved from the home within the period established or approved by HUD and/or the FWHA.

DD. Switching from HOA to Rental Assistance

FWHA may allow a family to switch from the HOA program to the Section 8 Rental Assistance Program. The family must meet the following criteria for determination of transfer:

- i. The family has not defaulted on a loan with the HOA program;
- ii. The family has met all of its obligations while participating in the HOA program;
- iii. The family vacates the home and conveys the title to the appropriate designee or representative. (The family must sign a "Conveyance Acknowledgement Notice", indicating the requirement to completely transfer and convey the property, and failure to do so will result in termination of their rental assistance) if such assistance has commenced.

If the family is approved for transfer from the HOA program to rental assistance, FWHA will issue the family a rental voucher, and the family will complete the normal voucher home search process. During the period the family is searching for a rental unit, and, if no mortgage default has occurred, the FWHA will continue to provide the family with HOA payments.

If the family fails to transfer or convey the property, the FWHA will not provide the family with rental assistance. If a rental assistance lease has commenced, FWHA will terminate the family's Section 8 Voucher and rental assistance payments.

A family member who owns an interest in the home cannot split and receive both HOA payments and rental assistance concurrently. Other family members must apply to the Section 8 wait list.

EE. Denied to Participate in the HOA Program

FWHA reserves the right to deny or terminate the assistance for the family, and will deny voucher rental assistance for the family, in accordance with HUD regulations governing any failure to comply with the family obligations, mortgage default, failure to demonstrate that the family has conveyed title to the home as required, or if the family has moved from the home within the period established or approved. A family may be denied participation in the HOA program for the following reasons:

1. It does not meet the minimum employment and income requirements.
2. The family has defaulted on a loan with the HOA program.
3. The family is not complying with their family obligations on the Section 8 rental assistance program.
4. The family has committed fraud in connection with the Section 8 rental assistance program.
5. The family has an outstanding debt with FWHA or another PHA.

FF. Terminations

FWHA may terminate a family from the HOA program for one or more of the following reasons:

1. The family has defaulted on a loan with the HOA program.
2. The family has not complied with the requirements of the HOA program, and has failed to maintain their family obligations as required.
3. The family has committed fraud in connection with the HOA program.
4. The family has committed fraud in connection with the FSS program.
5. If the family moves from the home without prior consent of FWHA.
6. The family request to be withdrawn from the HOA program.
7. The family moves outside of the jurisdiction of FWHA, and has entered the HOA program of another Housing Authority.
8. A family member engages in and are convicted of a violent or criminal activity, such as:
 - i. Fleeing to avoid prosecution;
 - ii. Violating a condition of probation or parole;
 - iii. Drug-related;

iv. Fraud and other program violations;

9. In accordance with HUD requirements, and;

10. When the HOA family fails to comply with "Additional FWHA requirements" i.e. (annual HQS inspection and/or post housing counseling)

If the FWHA proposes to terminate a family's HOA program participation, the family has the right to request an Informal Hearing to appeal the decision to terminate, as outlined in this administrative plan.

FWHA will provide the opportunity for an informal hearing to program participants who are being terminated from the program because of the family's action/failure to act. FWHA will send the family a written notice outlining the reasons for the decision to terminate, including notification that the family may request an informal hearing within 14-days from the date of the notice. Assistance to the family will continue until all appeal and hearing processes have been completed.

When a participant requests a hearing, the FWHA will schedule the hearing promptly and notify the participant of the date and time of the hearing. Prior to the hearing the family will be given the opportunity to review their file and any documents that were instrumental in the decision to terminate their assistance. The family may request copies of the documents relating to the termination and will be required to pay FWHA a nominal fee for such copies. The FWHA must be given the same opportunity to examine any family documents that are directly related to the hearing and to copy them at its own expense.

A hearing officer designated by FWHA will conduct the hearing. This person will be someone other than the person who made the decision to terminate, or that supervises the person who made the decision. The family may retain a lawyer or other representative, at their own expense. The family will be given the opportunity to present evidence and to question any witnesses. The hearing officer will issue a written decision within 30-days, stating the reasons for the decision.

HH Special Purpose Funding

Occasionally, HUD will provide Section 8 voucher funding for a specific purpose. The FWHA has received allocations of special funding for the following categories:

Family Unification Program

This is a program for families whom through public child welfare agencies certifies that the lack of adequate housing is a primary factor in the imminent placement of the family's and their children or the delayed discharge of a child reuniting with their family.

Mainstream Program

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
CR	Contract Rent
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
GR	Gross Rent
HA	Housing Agency
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCDA	Housing and Community Development Act

HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee.
HURRA	Housing and Urban/Rural Recovery Act of 1983
IG	Inspector General
IGR	Independent Group Residence
IPA	Independent Public Accountant
IRA	Individual Retirement Account
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFLA	Request for Lease Approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SRO	Single Room Occupancy
SSMA	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

A. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

ADMINISTRATIVE PLAN. The HUD required written policy of the HA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the HA's board and a copy submitted to HUD.

ABSORPTION. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve"). Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

APPLICANT. (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CERTIFICATE. A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or certificate with unexpired search time.

CERTIFICATE PROGRAM. Rental certificate program.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE. A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY. The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE. Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED PERSON. A person who is any of the following:

- (1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
- (2) A person who has a physical, mental, or emotional impairment that:
 - (i) Is expected to be of long-continued and indefinite duration;
 - (ii) Substantially impedes his or her ability to live independently; and
 - (iii) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- (3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISABLED FAMILY. A family where the head or spouse meet any of the above criteria for disabled person.

DISPLACED PERSON/FAMILY. A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DOMICILE. The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family). A family is defined by the HA in the administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the **Federal Register**.

FAMILY. "Family" includes but is not limited:

- (a) An Elderly Family or Single Person as defined in 24 CFR 5.403(b),
- (b) The remaining member of a tenant family, and
- (c) A Displaced Person
- *(d) ["family" can be further defined by the HA.]**

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The size of the Certificate or Voucher issued to the family based on the HA's subsidy standards.

FEDERAL PREFERENCE. A preference under federal law for admission of applicant families that are any of the following:

- (1) Involuntarily displaced.
- (2) Living in substandard housing (including families that are homeless or living in a shelter for the homeless).
- (3) Paying more than 50 percent of family income for rent.

FEDERAL PREFERENCE HOLDER. An applicant that qualifies for a federal preference.

FMR/EXCEPTION RENT LIMIT. The section 8 existing housing fair market rent published by HUD headquarters or any exception rent. In the certificate program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the HA may adopt a payment standard up to the FMR/exception rent limit.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

FUNDING INCREMENT. Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.

GROUP HOME. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by an HA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.
- (2) An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed \$5,000.

INITIAL HA. In portability, the term refers to both:

- (1) An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and
- (2) An HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

INITIAL PAYMENT STANDARD. The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER. The rent to owner at the beginning of the HAP contract term.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- (2) By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

JURISDICTION. The area in which the HA has authority under State and local law to administer the program.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

LEASE.

- (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA
- (2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA.

LEASE ADDENDUM. In the lease between the tenant and the owner, the lease language required by HUD.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

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

LOCAL PREFERENCE. A preference used by the HA to select among applicant families without regard to their federal preference status.

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. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total 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. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3).

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

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.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS. Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

NON CITIZEN. A person who is neither a citizen nor a national of the United States.

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OVER-FMR TENANCY (OFTO). In the Certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the HA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

PERSONS WITH DISABILITIES. Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

PORTABILITY. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA

PREMISES. The building or complex in which the dwelling unit is located, including common areas and grounds.

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

RANKING PREFERENCE. A preference used by the HA to select among applicant families that qualify for federal preference.

REASONABLE RENT. A rent to owner that is not more than rent charged:

- (1) For comparable units in the private unassisted market; and
- (2) For comparable unassisted units in the premises.

RECEIVING HA. In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher and provides program assistance to the family.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REGULAR TENANCY. In the Certificate program: A tenancy other than an over-FMR tenancy.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;

5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
6. A Public Housing Project.

SUBSIDY STANDARDS. Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

SUSPENSION/TOLLING. Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

TENANT. The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

TENANT RENT. (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is Rent to Owner less HAP.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of 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 healthy living environment.

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY LOSS PAYMENTS. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% 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% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

VOUCHER PROGRAM. The rental voucher program.

WAITING LIST ADMISSION. An admission from the HA waiting list.

WAITING LIST. A list of families organized according to HUD regulations and HA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments.

WELFARE RENT. This concept is used ONLY for Section 8 Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

- (1) If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
- (2) If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

HA. A housing authority- either a public housing agency or an Indian housing authority or both.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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.

NONCITIZEN. A person who is neither a citizen nor nation of the United States.

PHA. A housing authority that operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the HA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

Reserved

DRAFT

Attachment A

Fort Wayne Housing Authority

Administrative Plan

Reasonable Accommodations Policy

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REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

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REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

INTRODUCTION

This Reasonable Accommodation Policy and Procedures comprised of **Part A and Part B**, sets forth the policy and procedures of the Housing Authority of The City of Fort Wayne (“**FWHA**”) in connection with making reasonable accommodations for qualified applicants, participants or residents with disabilities for participation in FWHA’s public housing programs and activities. A copy of this Reasonable Accommodation Policy and Procedures is posted in the FWHA Administrative Offices, the Housing Choice Voucher Program Office, the Management Office at each public housing development, and on the FWHA website at www.fwaha.org. Additionally, a copy of this Reasonable Accommodation Policy and Implementation Procedures may be obtained upon request from the FWHA Executive Office, 7315 S. Hanna Street, Fort Wayne, IN 46816 260-449-7811.

PART A - POLICY

SECTION 1 - DEFINITIONS

- 1.1. The term “**ADA**” shall mean the Americans with Disabilities Act.
- 1.2. The term “**FHA**” shall mean the Fair Housing Act of 1968.
- 1.3. The term “**FWHA**” shall mean the Housing Authority of The City of Fort Wayne.
- 1.4. The phrase “**individual with handicaps**” shall have the same meaning as the term “individual with disabilities” under 24 C.F.R. §8.3, as follows:

24 C.F.R. § 8.3. Definitions.....
“Individual with handicaps” means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.
- 1.5. The term “**Policy**” shall mean Part A of this Reasonable Accommodation Policy and Procedure, as adopted by the FWHA Board of Commissioners, and as may be amended.
- 1.6. The term “**Procedures**” shall mean Part B of this Reasonable Accommodation Policy and Procedure, as may be revised from time to time.
- 1.7. The term “**reasonable accommodation**” means a modification or change in FWHA’s rules, policies, practices, services, or rental units, which will provide the opportunity to participate in FWHA’s programs and services and to meet FWHA’s essential requirements of tenancy to an otherwise eligible individual with a disability.

SECTION 2 - POLICY STATEMENT

FWHA is committed to ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, benefit from, nor otherwise discriminate against individuals with disabilities in connection with, the operation of FWHA’s housing services or programs, solely on the basis of such disabilities. Therefore, if an individual with a disability requires an accommodation, such as an accessible feature or modification to FWHA policy, FWHA will provide such accommodation, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial or administrative burden. In such a case, FWHA will attempt to make another accommodation that would not result in a financial or administrative burden.

SECTION 3 - PURPOSE

This Policy is intended to:

- Communicate FWHA’s position regarding reasonable accommodations for persons with disabilities in connection with the agency’s housing programs services, and policies;
- Establish a procedural guide for implementing such Policy; and
- Comply with applicable federal, state and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by FWHA.

SECTION 4 – AUTHORITY

The requirements of this Policy are based upon the following statutes or regulations:

- Section 504 of the Rehabilitation Act of 1973, as amended (“Section 504”) prohibits discrimination on the basis of disability status and states that:

“No qualified individual with disabilities shall, solely on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance”;
- The Fair Housing Act (“FHA”) prohibits discrimination in the sale, rental and financing of dwellings. The FHA requires reasonable accommodations in rules, policies, practices, services and reasonable modifications to dwelling units and public common areas;
- Title II of the Americans With Disabilities Act (“ADA”), prohibits discrimination on the basis of disability status by public entities. Except as provided in §35.102 (b), of 28 CFR Part 35, the ADA applies to all services, programs and activities provided or made available by public entities (State and local governments); and
- Part 8, of Code of Federal Regulations, Title 24, Housing and Urban Development, entitled Non-Discrimination Based On Handicap In Federally Assisted Programs and Activities of the Department of Housing and Urban Development applies to recipients of federal funds and implements the requirements of the Rehabilitation Act.

SECTION 5 - MONITORING AND ENFORCEMENT

The FWHA Executive Office is responsible for monitoring FWHA’s compliance with, and enforcing the requirements under this Policy. Questions regarding this Policy, its interpretation or implementation should be made by contacting the FWHA Executive Office in writing, or in person by appointment, at 7315 S. Hanna Street, Fort Wayne, IN 46803; or by calling the 504 Coordinator at 260-449-7811. The 504 Coordinator may require the submission of data from FWHA public housing developments and field offices in order to evaluate and document FWHA’s compliance with this Policy.

SECTION 6 - GENERAL PRINCIPLES FOR PROVIDING REASONABLE ACCOMMODATIONS

Listed below are the general principles which provide a foundation for the Policy and which FWHA staff should apply when responding to requests for reasonable accommodations within all FWHA housing programs:

- 6.1 It is presumed that the individual with a disability is usually knowledgeable of the appropriate types of, and methods for providing, reasonable accommodations needed when making a request. However, FWHA reserves the right to investigate and offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.

- 6.2. The procedure for evaluation and responding to requests for a reasonable accommodation relies on a cooperative relationship between FWHA and the applicant/resident. The process is **NOT** adversarial.
- 6.3. FWHA shall inform all applicants and residents of alternative forms of communication. The Request Form is designed to assist FWHA and our applicants/residents. If an applicant/ resident does not, or can not use the Request Form, FWHA will still respond to the request for an accommodation. The applicant/resident may also request assistance with the Request Form or such applicant/resident may request that the Request Form be provided in an equally effective format or means of communication.
Example(s): Some examples of alternative equally effective forms of communication are include the following: Qualified interpreters, printed material, telecommunications devices for deaf persons (TDD's), Indiana Relay System, or other aurally delivered materials available to persons with hearing impairments. Qualified readers, taped texts audio recordings, Brailed materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.
- 6.4. If the accommodation is reasonable (see Procedures 3 below), FWHA will grant it.
- 6.5. In accordance with Procedure 3 (below), , FWHA will grant the request for a reasonable accommodation only to the extent that an undue financial and administrative burden is not created thereby.
- 6.6. All written documents required by or as a result of this Policy must contain plain language and, if requested, be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation.
- 6.7. Any required meetings with a person with a disability will be held in an accessible location.

SECTION 7 - AMENDMENT

- 7.1. Policy. The Policy may be amended only by resolution of the Board of Commissioners.
- 7.2. Procedures. The Procedures may be amended within the scope of the Policy by the Executive Director of FWHA.
- 7.3. Legal Compliance. Any amendment to the Policy or Procedures shall be consistent with all applicable laws and regulations.

SECTION 8 - STAFF TRAINING

504 Coordinator will ensure that staff training sessions are held at least annually concerning the Policy and the Procedures and all applicable federal, state and local requirements regarding reasonable accommodations.

PART B - PROCEDURES

PROCEDURE #1 - COMMUNICATION WITH APPLICANTS AND RESIDENTS

1. At the time of application, any applicant requesting a reasonable accommodation must be provided with the Request for Reasonable Accommodation Form (the “**Request Form**”) (copy of which is affixed hereto as **Attachment 1**), or, upon the applicant’s request, the Request Form must be provided in an equally effective format.
2. FWHA Residents seeking accommodations may contact the housing management office located within their housing development or the management office for their scattered site residence. Also, residents may contact the Executive office directly to request the accommodation.
3. FWHA is responsible for informing all residents that a request may be submitted for reasonable accommodations for an individual with a disability. All residents will be provided the Request Form when requesting a reasonable accommodation. However, a resident may submit the request in writing, orally, or use another equally effective means of communication to request the accommodation. If a request is not submitted on a Request Form, the FWHA staff person receiving the request will complete and date a Request Form and forward it to the 504 Coordinator with a copy to the person making the request. Upon receiving the request, housing management and/or the 504 Coordinator will send the requestor an acknowledgement of the request, in writing or requested alternative format, within ten (10) business days¹. If additional information or documentation is required, a written request should be issued to the resident by using the Request for Information or Verification Form (“**Request for Information**”), a copy of which is affixed hereto as **Attachment 2**. A submission date should be specified in the Request for Information so as not to delay FWHA’s review of the request. FWHA representative will discuss and review potential means of making accommodations before making a decision on implementation.
4. FWHA will consent to or deny the request within twenty (20) business days after receiving all needed information and documentation from the resident or issue an alternate time limit if circumstances require additional time. If an extended time is required, FWHA will update the requestor periodically, but at no time should more than 30 business days lapse between updates, unless agreed upon in writing by both parties.

All decisions to grant or deny reasonable accommodations will be communicated in writing or if required, in an alternative format in order to communicate the decision to the applicant, participant, or resident. Exceptions to the twenty (20) business day period for notification of FWHA’s decision on the request should be provided to the resident in writing setting forth the reasons for the delay. A copy each of the **Letter Denying Request for Reasonable Accommodations** and the **Letter Approving Request for Reasonable Accommodations** are affixed hereto as **Attachment 3** and **Attachment 4**, respectively.

¹ The term “**business days**” shall mean those days of the week, excluding Saturdays, Sundays and holidays observed by FWHA

5. FWHA will maintain at its Housing Leasing/Admissions Office; Management Offices; and Administrative Office written materials which summarizes this Policy and highlights the procedures for making a request for reasonable accommodations.

PROCEDURE #2 - SEQUENCE FOR MAKING DECISIONS

1. Is the applicant/resident a qualified "individual with a disability"?
 - (a) If **NO**, we are not obligated to make a reasonable accommodation; therefore, we may deny the request.
 - (b) If **YES**, go to Step 2.
 - (c) If more information is needed, either write for more information using the standard *Request for Information* letter, or request a meeting using the standard *Request for Meeting* letter. (A copy of the Request for Meeting letter is affixed hereto as **Attachment 5**).
2. Is the requested accommodation related to the disability?
 - (a) If **NO**, we are not obligated to make the accommodation; therefore, we may deny the request.
 - (b) If **YES**, go to step 3.
 - (c) If more information is needed, either write for more information using the *Request for Information* Letter, or request a meeting using the *Request for Meeting* Letter.
3. Is the requested accommodation reasonable? This determination will be made by following Procedure #3 - Guidelines for Determining Reasonableness.
 - (a) If **YES**, we will approve the request for reasonable accommodation. A written description of the accommodation will be prepared and included in the Letter *Approving Request for Reasonable Accommodations*.
 - (b) If **NO**, we may deny the request. Submit the denial using the Letter *Denying Request for Reasonable Accommodations*.
 - (c) If more information is needed, either write for more information using the Letter *Approving Request for Reasonable Accommodations*, or request a meeting using the *Request for Meeting* Letter.

PROCEDURE #3 - GUIDELINES FOR DETERMINING REASONABLENESS

1. In accordance with Policy Principle 6.1, FWHA will consider the requested method for providing reasonable accommodations for an individual with a disability. However, FWHA is required to evaluate the requested method and may require the individual with a disability to provide further information to demonstrate the need for the requested accommodation to enable access to and use of the housing program. Additionally, FWHA may offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.
2. Requests for reasonable accommodations will be considered on a case-by-case basis.

Decisions regarding reasonable accommodations will be made in compliance with all applicable accessibility laws and requirements. Additionally, in those circumstances where FWHA deems that a proposed reasonable accommodation would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, FWHA has the burden of proving such result(s).

3. The responsibility for the decision that a proposed reasonable accommodation would result in such alteration or burdens shall rest with the Executive Director or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, FWHA shall propose any other action that will not result in or require an alteration or burden.
4. Live-in-Aides. In some cases, an individual with a disability may require a live-in-aide. In accordance with the provisions of the FWHA dwelling lease, FWHA may permit a live-in to reside in the dwelling unit to assist an individual with a disability. A live-in-aide means a person (a) determined by FWHA to be essential to the care and well being of a family member with a disability; (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the supportive services. A live-in-aide would not be required to share a bedroom with another member of the household [see 24 CFR 966.4(d)(3)]. Prior to granting permission, the live-in aide must submit to a criminal background check in accordance with FWHA's ACOP and Administrative Plan policies and procedures. Additionally, medical verification of the need for a live-in aide is required., and the following factors will be considered by FWHA in determining whether to approve a live-in aide:
 - (1) Whether the addition of a new occupant would create a situation of overcrowding in the dwelling unit, thereby requiring a transfer to another dwelling unit;
 - (2) The availability of an appropriate dwelling unit; and/or
 - (3) FWHA's obligation to make reasonable accommodation for persons with disabilities.
5. Verification. FWHA may verify a person's disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and that applicants who have requested a reasonable accommodation have a need for the requested accommodation. FWHA may not require applicants to provide access to confidential medical records in order to verify a disability nor may FWHA require specific details as to the disability. FWHA may require documentation of the manifestation of the disability that causes a need for a specific accommodation or accessible unit. FWHA may not ask what the specific disability is.

ATTACHMENTS TO PROCEDURES

ATTACHMENT 1 - REQUEST FOR A REASONABLE ACCOMMODATION

ATTACHMENT 2 - REQUEST FOR INFORMATION OR VERIFICATION

ATTACHMENT 3 - LETTER DENYING REQUEST FOR REASONABLE ACCOMMODATIONS

ATTACHMENT 4 - LETTER APPROVING REQUEST FOR REASONABLE ACCOMMODATIONS

ATTACHMENT 5 - REQUEST FOR MEETING

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Fort Wayne Housing Authority
7315 S. Hanna Street Fort Wayne IN 46816
REQUEST FOR A REASONABLE ACCOMMODATION

If you need:

- a change in our policies or procedures
- a repair or change in your apartment
- change to some other part of the property
- a change in the way we communicate with you because of a disability, you may ask for this change, which is called a “reasonable accommodation.”

Requests for reasonable accommodations will be considered on a case-by-case basis. Decisions regarding reasonable accommodations will be made in compliance with all applicable accessibility laws and requirements. Additionally, in those circumstances where FWHA deems that a proposed reasonable accommodation would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, FWHA has the burden of proving such result.

We will make every effort to render a decision within twenty 20 business days.

We will let you know if we need more information or verification from you or if we would like to discuss other ways of meeting your needs.

If we turn down your request, we will explain our decision, and you may give us additional information.

Please advise us if you need help in using the form, or if you wish to receive this Request Form in an alternative format to meet your communication needs.

Fort Wayne Housing Authority
7315 S. Hanna Street Fort Wayne IN 46816

REQUEST FOR A REASONABLE ACCOMMODATION

The following member of my household has a disability:

Please provide this reasonable accommodation (specify accommodation(s)):

I need this reasonable accommodation because:

Date: _____

Name: _____

Address: _____

Telephone: _____

Signed: _____

Fort Wayne Housing Authority
7315 S. Hanna Street Fort Wayne IN 46816
REQUEST FOR INFORMATION OR VERIFICATION

Date:

To:

Dear Applicant or Resident:

We have received your Request for a Reasonable Accommodation. We need to know more about [issue, simply and clearly stated] before we can decide.

We need to know more because [reason, simple and clearly stated]. You can give us more information by [acceptable methods of verification]. If this is a problem for you, other ways of providing the information may also be acceptable.

We will not make a decision until we have this new information.

If you think that you have given us this information, or if you think that we should not ask for this information, please call us at 260-449-7811. Please call if you have any other questions.

Fort Wayne Housing Authority
7315 S. Hanna Street Fort Wayne IN 46803

DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION

Date:

To: _____

Dear Applicant or Resident:

You requested the following change or accommodation [describe request]. We have attached a copy of your request form. We have **denied** your request because:

- You do not meet the definition of an individual with disabilities and we are not required to provide a reasonable accommodation.
- We think the accommodation you requested is not reasonable because we have decided:

You do not need this accommodation in order to enjoy or participate equally in our housing.

It will create undue financial and administrative burdens for us.

It will change the fundamental nature of our program.

We have decided this because [give reasons, in clear and simple language].

We relied on these facts to deny your request [give facts, in clear and simple language].

To make this decision we [tell what documents or records we reviewed, tell which people we spoke with, describe other aspects of our investigation process].

If you disagree with our decision, you may contact the following agencies:

U.S. Department of Housing and Urban Development
Office of Fair Housing & Equal Opportunity
151 North Delaware Street
12th Floor Mail Station
Indianapolis, IN 46204-2526

Phone: 1-800-765-9372
TTY: 1-800-927-9275

Signature and closing

Fort Wayne Housing Authority
7315 S. Hanna Street Fort Wayne IN 46803

APPROVAL OF REQUEST FOR A REASONABLE ACCOMMODATION

Date:

To:

Dear Applicant or Program Participant:

We have approved your request for the following change or reasonable accommodation [description] :

_____ We can provide you with this accommodation by [date].

_____ To make the change you requested, we must have three bids and then arrange installation. This is why we are not able to provide you with the accommodation immediately.

_____ [other reason for delay]. Please call us at [our telephone number] if you have any questions.

If you think this change or reasonable accommodation is not what you requested, if it is not acceptable, or if you object to the amount of time it will take to provide it, you may contact the Executive Office at 260-449-7811

If FWHA fails to provide this account you may contact this agency:

U.S. Department of Housing and Urban Development
Office of Fair Housing & Equal Opportunity
151 North Delaware Street
12th Floor Mail Station
Indianapolis, IN 46204-2526

Phone: 1-800-765-9372
TTY: 1-800-927-9275

[signature and closing]

Fort Wayne Housing Authority
7315 S. Hanna Street Fort Wayne IN 46803
REQUEST FOR A MEETING

Date: To:

Dear Applicant or Program Participant:

We have received your request for a reasonable accommodation. It would help us make our decision if we could meet with you. You may bring someone to assist you with the meeting.

We would like to meet on [date, time, place]. If you cannot come at that time or if the meeting location is a problem, please call us at 260-449-7811.

We will talk about [describe issue, simply and clearly] at this meeting.

Please come ready to talk to us about the changes you want. Please bring copies of any information that you would like to give us.

We look forward to meeting with you.

[signature and closing]

Attachment B

HQS Inspection Addendum

DRAFT

Attachment C

FSS Action Plan

DRAFT

Attachment D

Administrative Plan Updates

Future Updates to the Housing Choice Voucher Administrative Plan will take the following form. Updates will be listed in front of the Table of Contents in future editions.

Administrative Plan Updates

Section 31.4.1

- Added an additional requirement to No. 7 to steps that must be completed prior to AHAP for projects located in a high poverty census tract.
- Amended Requirement No. 1 to encourage LIHTC developers to contact FWHA tax credit staff if the subsidy layering review process could interfere with the FWHA's requirement for expending tax credit funds within a prescribed time period.

Section 31.6.20

- Added a new section recommending that whenever appropriate and possible the RAAs synchronize the annual tenant eligibility recertification with the LIHTC/HOME annual recertification requirements.

Section 31.7.1.2

- Amended "rents in HOME Units" to clarify this process.

Section 31.10 Attachment B

- Eliminated an incorrect regulation reference with regards to tenant selection in Community Based Housing projects.

Attachment B

Fort Wayne Housing Authority

Administrative Plan

HQS Inspection Addendum

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FWHA Section Administrative Plan Amendment: 2007-01

Programs: ALL

Purpose: This amendment updates FWHA's HQS Inspection Addendum

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16 HQS Inspection Addendum

The FWHA HQS Inspection Addendum is supplemental to HUD's Housing Quality Standards for the Housing Choice Voucher and Project Based Programs.

As described in HUD's Housing Inspection Manual,

"The HUD Housing Quality Standards are a basic 'floor' or minimum standards that apply across the country to units on the Section 8 Housing Choice Voucher Program. In areas with relatively higher quality housing available, PHAs will be able to adopt a higher standard".

FWHA utilizes both HUD's Housing Quality Standards as well as the additional FWHA Addendum Requirements as a basis for evaluating a unit each time it is inspected. These additional standards are as set forth in this section. The City of Fort Wayne has a Sanitary and Building Code at http://www.cityoffortwayne.org/index.php?option=com_content&task=view&id=396&Itemid=509, hereinafter referred to as the Codes) that regulate all housing in the City. In some instances the Codes may supersede and are more comprehensive than HUD's Housing Quality Standards and FWHA's Inspection Addendum. Notwithstanding the property owner's obligation to comply with the City Code, FWHA HQS Inspectors will enforce the Housing Quality Standards and this Addendum.

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Although FWHA's Housing Quality Standards inspectors will not specifically check for all violations of the City Sanitary and Building Codes (FWHA is not the appropriate enforcement agency for this responsibility), FWHA performs periodic training for its inspectors on HQS and FWHA's additional standards.

Because of the wide variety of housing types, site conditions, evolving codes, and family compositions, not every conceivable building deficiency is represented in the FWHA HQS Inspection Addendum. FWHA reserve the right to review on a case-by-case basis all issues relating to safety and inspection compliance.

"This inspection has been performed to determine compliance under the HUD\FWHA Section 8 Program. While some of the HQS Inspection Addendum may be similar or identical to provisions of local Codes, this inspection does not certify compliance with said Codes. In all instances, it is the owner's responsibility to maintain property to meet all applicable state and local Codes and a tenant's right to request an inspection by the local Code Enforcement Agency."

The following statement must be included with all Inspection Reports:

Known violations and continued non-conformance with the Codes will be a factor in the FWHA's determination of rent reasonableness, the provision of an annual rent adjustment at reexamination time and the scheduling of more frequent reinspections, consistent with FWHA's Marginal Unit Policy 16.14

Non-compliance with the HUD Housing Quality Standards and/or the FWHA HQS Inspection Addendum and/or repeated and regular non-compliance in accordance with the Marginal Unit Policy are grounds for:

- Rejecting the unit at initial inspection
- Suspending or abating all or some percentage of the subsidy
- Terminating the HAP contract with the owner
- Termination of tenant participation in the program

FWHA Inspection Requirements

In that the FWHA HQS Inspection Addendum is supplemental to the HUD Inspection Requirements, please note that the numbering system used for the FWHA HQS Inspection Addendum is designed to conform as closely as possible to the numbering system used in HUD's Housing Inspection Manual and the FWHA Standard Inspection Checklist. See attachment 16-A.

16.1 All Habitable Rooms

Living Room, Kitchen, Bathroom, All Other Rooms Used for Living or Sleeping and Interior Halls

16.1.1 Room Present (1-4.1)

16.1.2 Ceiling Height

Ceiling heights in all habitable rooms must not be hazardous for their use.

Is the ceiling height of any part of any habitable room less than 5' high 10" If so, such area of 5' 10" or less ceiling height shall not be considered in computing the total floor area of either the room or the dwelling unit.

16.1.3 Below Grade Space

Is any part of the dwelling unit below the average grade of the adjoining ground?

If so, no room or area in a dwelling may be used for living if such room or area has more than half its floor to ceiling height below the average grade of the adjoining ground and such room or area is subject to chronic dampness.

16.1.4 Screens (1-4.5)

Upon initial inspection, is there at least one screen in each room used for living or sleeping? A screen door will meet this requirement.

Screens may be either permanently installed or expandable. The inspector shall make sure this requirement is met regardless of the time of year the inspection occurs. The inspector shall insure that screens are in the unit or otherwise available, and that the number of screens is appropriate to meet this requirement. During the time between October 31 st and March 31 st an extension of time to comply may be given to the owner. Tenants may be held responsible for damage to the screens caused by occupants under the Family Obligations. A bathroom with no vent fan must have a screen in the window.

16.2 Kitchen

All units are required to contain a kitchen for the storage and preparation of food. Space for this purpose must be available. Storage includes cabinets, pantries, and closets with shelves. If there is no such built in space a table for food preparation and a portable storage cabinet will satisfy the requirement.

16.2.1 Electricity (2.2)

There must be at least **two** working electrical outlets in the kitchen. A permanently installed light fixture and at least two outlets are required for each kitchen. The presence of two outlets and no light fixture is not acceptable. Having two working outlets in a kitchen prevents circuit overloading, hazard use of extension cords, and can prevent damage to flooring if the only outlet were behind the refrigerator.

16.2.2 Floor Condition (2.8)

Is the floor surface covered by a smooth, non-corrosive, non-absorbent and waterproof material?

FWHA will allow kitchens and bathrooms to have permanently installed carpeting, provided that the carpet condition meets HQS, which assures that the carpeting is in decent condition, free from excessive mold, mildew or other unsanitary health hazard and that the sub floor below is not subject to chronic water damage.

Resilient sheet flooring, resilient tile and ceramic tile are acceptable materials. Flooring should be well adhered to the substrate and all seams in sheet material should be sealed.

Wood flooring is acceptable only if it has a durable and water-resistant finish with no cracks large enough to allow the accumulation of dirt, food or the harborage of insects.

16.2.3 Stove or Range with Oven (2.9)

16.2.3.1 Substituting a Microwave for an Oven, Stove or Range

A microwave oven may be substituted for a stove provided that the HCVP is informed and approves and that the substitution is agreeable to both the owner and tenant. If not FWHA approved an incorrect utility calculation could result. A microwave oven shall not be considered adequate where either the owner or the tenant fail to maintain a required utility. The appliance may be either owner supplied or tenant supplied. If the microwave is owner supplied, the owner must offer the same option to all other tenants in the building. If owner supplied and not present, a fail rating is required. If tenant supplied and not present on initial inspection, mark the item inconclusive and follow up as needed. Hotplates are not acceptable substitutes.

16.2.4 Space for Storage and Preparation of Food (2.12)

The space for storage and surface for preparation of food must be in good condition and impervious to water damage. Cabinets that are not securely attached to the wall will fail inspection. Pantry closets, shelves, counter tops and under sink storage areas must be free from defects which make them difficult to keep clean or encourage infestation.

Space for preparation of food (counter tops, etc.) must be free of damage, holes, and lifting surfaces that allow contamination, food build up, or insects. All such surfaces must be easily cleanable. (Also see FW Health Dept Sanitary Code).

16.2.5 Sink (2.11)

HQS Requirements:

A permanently attached sink with properly working faucets connected to a hot and cold water supply and connected to a properly connected drain with sewer gas trap is required. The sink cannot be, or double as the bathroom sink. If hot water is not on for initial inspection record as inconclusive and follow up as required.

Water supply sufficient in quantity and pressure to meet ordinary needs is required. Hot water temperature must not create a scald hazard. 110 - 130 degrees F is acceptable. (See FW City Code)). Supply and drain lines must be free of leaks, and basins must have a finished surface that can be easily kept sanitary.

16.2.6 Refrigerator (2.10)

HQS Requirements:

A working refrigerator capable of maintaining a temperature low enough so that food does not spoil over a reasonable time and capable of storing frozen foods is required. The refrigerator must be adequate in size relative to the needs of the family. An undersized refrigerator will fail. If owner supplied it must be present at initial inspection. If tenant supplied record as inconclusive and follow up as required.

16.2.7 Optional Equipment

Owner installed optional equipment may include but is not limited to dishwasher, laundry facilities, air conditioner, garbage disposal, microwave, and range hood.

Owner installed optional equipment usually adds to the value of the unit and is a consideration in determination of rent reasonableness. The working condition of owner installed optional equipment must be noted on the initial inspection report. Thereafter, the owner is responsible to maintain all optional equipment in working condition. However, if upon annual inspection optional equipment fails due to the tenants' misuse, the unit will not fail inspection or cause the tenant's termination, but should be noted as a recommended repair. **To determine ownership of optional equipment, the inspector will ask either the landlord or participant who owns the equipment in question.**

16.2.7.1 Range Hood

A range hood ventilation fan must be covered by either a filter that is designed to cover the fan, or other protective covering in order to prevent injury from exposed fan blades. The filter should be checked for excessive grease build-up that may be a fire hazard.

16.3 Bathroom (3.1-12)

At least one working bathroom is required for the exclusive use of the occupant. There must be an operational toilet, washbasin, and tub or shower each connected to an approved water supply and disposal system.

It is allowable for the fixtures to be located in separate areas of the unit. At a minimum the toilet is required to be surrounded by an enclosure for privacy.

All fixtures must be securely attached. (Not loose)

Surfaces of fixtures must be free of defects that make them difficult to keep clean. A seriously flawed porcelain or a defective painted surface in a sink or bathtub requires a fail rating.

Water temperature must not present a scald hazard. Maximum temperature should not exceed 130 degrees F.

16.3.1 Wall Condition (3.7)

Walls around the tub area must be covered by a smooth, non-corrosive, non-absorbent and waterproof material up to a height of 48". Where there is an installed showerhead or shower compartment, the walls must be covered up to a height of 6'. A circular shower curtain rod that encloses the tub is acceptable.

16.3.2 Floor Condition (3.8)

The floor surface of every room containing a toilet, shower or bathtub must be covered by a smooth, non-corrosive, non-absorbent and waterproof material or permanently installed carpet that is free from mold, mildew or other unsanitary condition.

Resilient sheet flooring, resilient tile and ceramic tile are also acceptable materials. Flooring should be well adhered to the substrate and all seams in sheet material should be sealed. Carpet may be installed over a well-sealed floor.

Wood flooring is acceptable only if it has a durable and water resistant finish with no cracks large enough to allow the accumulation of dirt, food or the harborage of insects.

16.3.3 Toilet (3.9)

A working toilet must be available for the exclusive use of the occupants of the unit. Facilities, which are used by other occupants of other units, are not acceptable. The toilet must be contained in a separate room in the unit that provides for privacy.

16.3.4 Ventilation (3.12)

Does the bathroom have chronic dampness as evidenced by regular and/or periodic appearance of moisture, water, mold, mildew or fungi?

If plumbing and ventilation are in good repair and properly used, there should not be chronic dampness. If chronic dampness, mold, mildew, or fungi is present, it may require special cleaning and treatment with mildewcide and paint or replacement.

In order to prevent the accumulation of unhealthful odors, sewer gas, and the build up of mold on surfaces, an operable window or a working ventilation system is required in bathrooms. The types of ventilation systems that are allowable are electric vent fan either wall or ceiling mounted, gravity flow vents, and shafts that allow air to escape to the outside. The absence of approved ventilation requires a fail rating. If a window is to be used for bathroom ventilation, a screen is required.

16.3.5 Space for Storage and Optional Equipment

The space for storage in the bathroom must be in good condition and free from water damage. Cabinets that are not securely attached to the wall will fail inspection. Shelves, counter tops and under sink storage areas must be free from defects which make them difficult to keep clean or encourage infestation.

Owner installed optional equipment may include but is not limited to medicine cabinet, towel bars, soap dish and other accessories.

16.4 Other Rooms Used For Living

16.4.1 Space and Use - Square Footage (4.1)

Every room that may be used for sleeping must contain at least 70 sq. feet for one occupant, or at least 50 sq. feet per person for two occupants.

16.4.2 Security (4.4)

16.4.2.1 Bedroom and Other Interior Door Locks:

All egress and interior room doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge. This means that padlocks, slide bolts, and hook and eye locks are not allowed on the outside of bedroom or other interior room doors.

Doors may be equipped with a night latch, hook and eye, slide bolt or security chain provided such devices are openable from the inside without the use of a key or tool and mounted at a reasonable height for the occupant.

No room, which contains the unit entry or exit door or fire escape window, may be lockable. If the windows in a room are equipped with security bars at least one set is required to be openable for fire egress.

If a unit door provides access to a common basement it must be fitted with key lock hardware with the key side facing the basement. Also, remember that if the unit has a stair or hatch to a common attic the same need for security applies. For stairway doors, a keyed lockset or padlock is required. In the case of an attic hatch, since inspectors are not always able to ascertain if the attic has fire or partition walls, it is a good practice to ask the owner or agent and have them initial the inspection checklist to attest that there are partition walls. If the attic is a common space locking or screwing closed the hatch is required.

16.4.2.2 Exits

HQS Requirements:

To ensure that the occupants have an acceptable means of exit that is not blocked in case of fire. Acceptable fire exit means that the building has an alternate means of egress that meets local or state requirements. Blocked means that the exit is unusable due to conditions such as debris, storage, air conditioner in egress window, door nailed shut, door swelled shut, or broken lock. A fail rating is required if there is no acceptable means of fire exit. Exits blocked by the tenant may fail as tenant caused. Inspectors should require that the exit be cleared immediately if possible.

16.4.3 Natural Light Requirement (4.9)

All bedrooms or any other rooms used for sleeping must have at least one openable window.

Acceptable under certain conditions are windows in rooms used for sleeping that open onto common areas rather than to the outside. These are acceptable provided the windows allow adequate natural light to permit normal indoor activities. For example: a bedroom

window which faces onto a common area with a large vaulted glass ceiling, or which faces onto an enclosed sun porch may pass. The emphasis of this requirement is to provide adequate natural light in the bedroom.

16.5 All Secondary Rooms Not Used For Living **16.5.1 Garage**

If the garage door opens directly into the unit, it must be a solid core fire rated wood or metal door. A hollow wood or plastic "panel style" door is not acceptable.

A door from a garage cannot enter directly into a sleeping room.

16.5.2 Laundry

A gas dryer must be vented to the outdoors, shaft or crawlspace. An electric dryer is not required to be vented to the outdoors but they must be properly vented to a lint trap to prevent the build up of combustible dust and prevent excessive moisture problems like mold and mildew. Check behind the dryer whenever possible for excessive lint and dust build-up which could be a fire hazard.

Washing machine drain standpipes must be capped if not in use for an extended period of time. Although a trap is usually present, if not used for an extended period of time, the water in the trap will eventually evaporate, which may allow the escape of sewer gases.

Washing machines and dryers are not portable or hand held appliances. They constitute a motored load and FWHA does not require GFCI protection for the outlets serving them. It is allowable for the outlet and the drainpipe to be in close proximity to one another. Inspectors may require approval of the local wiring inspector if the installation appears not to have been professionally installed.

16.6 Building Exterior

16.6.1 Condition of Stairs, Rails and Porches (6.2)

16.6.1.1 Protective Railings

There must be a wall or protective railing at least 36" high around every porch, balcony, loft or roof which is more than 30" from the ground and intended for use by the occupant.

Waivers for railing height and baluster spacing may also be requested when the building is an historic structure or an ornately decorated Victorian home where the current railing and balusters are in excellent condition and do not require repair. Only first floor porches no more than 5 feet from the ground could be considered, and the tenant and owner must request the waiver in writing. This does not apply to homes with no railings. In order to pass inspection a handrail must be graspable. This means that a solid wall cap that

exceeds 4 inches wide will not serve as a handrail and so must be fitted with a graspable handrail. Handrail stock up to 2x4 inches or other size approved by the local building department is acceptable.

A railing or other protective structure is required when retaining walls with a difference in grade level in excess of 4 feet are located within 2 feet of a walk, path, parking lot or driveway on the high side.

The top step or landing shall be counted as a step when determining if a handrail is required. Counting 4 or more risers will always assure this requirement is met.

A basement bulkhead requires a handrail if used by the tenant on a regular basis.

16.6.1.2 Foundations - Porch, Deck, Stairway (6.1-2)

Are porches, decks and stairways structurally sound? Does every porch or exterior stair have an adequate foundation to ensure stability?

Wood post sitting on pavement, concrete block, ground or asphalt without a foundation may not be acceptable if the structure is subject to excess sway or movement.

The following Building Code guidelines should be considered in determining the structural soundness of all porches, decks, and stairways. Since many existing homes preexist the current Building Code some variation is permissible. Tenants may be allowed input into determinations. Incidents that present a hazard are required to be corrected or owners may submit written approval of the condition from the local building department. All such documentation is to be maintained in the tenant file.

Generally, joist spacing for porches and decks should be 12-24 inches.

Ledger boards (*the board that connects the structure to the house*) should be bolted to the framing, not just nailed.

All porches, decks, stairs and railings should be adequate to support a 200 lb. load; consider the ability to support a refrigerator.

8 1/4" is the maximum riser height, with no more than 1/4" difference

between each riser. Further, 9" is the minimum tread width.
Stairways that do

not conform to these requirements may present a tripping hazard.

No more than 15 treads between landings on a stairway are generally

acceptable for adequate structural support and fire exit safety.

Support stringers must be adequate to support stair treads. Generally, 2"x12" stringers are acceptable.

16.6.1.3 Balusters on Decks, Porches and Lofts, and Decks Over 30" From the Ground

All decks, porches and lofts must have balusters spaced at no more than 6" intervals (that is, so a six-inch sphere cannot pass through the opening) in all units occupied by children less than six years of age. Waivers for railing height and baluster spacing may also be requested when the building is an historic structure or an ornately decorated Victorian home where the current railing and balusters are in excellent condition and do not require repair. Only first floor porches no more than 5 feet from the ground could be considered and the tenant and owner must request the waiver in writing. This does not apply to homes with no railings. Remember to inspect for railings and balusters or fall bars on both open sides of the stairs if applicable.

16.6.2 Condition of Roof and Gutters (6.3)

The roof must be structurally sound and capable of protecting the tenant's unit from the outside elements. If the roof cannot be seen, record as unobservable and pass the item so long as there is no evidence of water penetration in the unit.

Gutters and downspouts are not required by the HQS. If gutters and downspouts are present and their poor condition causes significant amounts of water to enter the dwelling by rotting an exterior wall, a fail rating is required.

16.6.3 Condition of Exterior Surfaces (6.4)

All exterior walls must be sound and free from hazards to assure that the tenant is not exposed to any danger of structural collapse and that the walls are weather tight.

16.6.3.1 Excessive Chipping and Peeling Paint

Regardless of the family composition, whenever chipping and peeling paint, or areas of missing siding allow weather to damage the framing or sheathing or allow wind, water or moisture to penetrate the walls, the inspection will fail.

16.6.3.2 Seasonal Repairs

Sometimes there a seasonal consideration that makes treatment of exterior chipping and peeling paint or cement repairs to chimneys difficult to implement.

FWHA strongly encourages HQS staff to exercise good judgment and to weigh the interests of the household against the seasonal requirement to prevent the loss of decent, safe, and sanitary housing. A letter of intent from the owner agreeing to complete the repairs with a start and completion date included should be filed, and follow up reinspection must be made. This exception does not apply to lead paint on units housing children under 6 years old. For exterior fail items occurring after October, 1st the inspector may grant an extension to complete those repairs not to exceed June 1 of the following year.

16.6.3.3 Condition of Chimney (6.5)

Masonry chimneys are required to be free of the potential for collapse that could result in the occupants being injured by falling bricks. The chimney must be capable of safely carrying smoke, fumes, and exhaust gasses to the outdoors. On the exterior, loose bricks or deteriorated mortar joints can allow bricks to fall off the roof or down into the chimney where flue gasses may be prevented from escaping safely. If the chimney cannot be observed from the ground, inspectors should check inside the basement for a clean out hatch so that the ability of the chimney to allow exhaust gasses to exit the building can be confirmed. If the clean out hatch contains bricks and cement debris, it may be necessary to observe the chimney from a position farther away, like the next street over.

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Also, advise clients against strapping antennas or other such devices to the chimney because of the effect of the added wind load. On the interior of the home, look for deterioration of the base of the chimney in the form of soft chalking brick. This condition is known as spalling. This is often caused by soot (particularly from an oil-fired heating system) collected in the bottom of the chimney mixing with rainwater coming down an uncapped chimney. The result is constant moisture and corrosive elements in the soot eating away the brick. An obstructed chimney or a dangerous loose brick hazard may constitute a 24-hour violation.

Metal Chimney:

If the chimney is metal, check that all the parts are connected and fit tightly together and that it is properly attached to the building and high enough to clear the wall and roof.

16.7 Heating and Plumbing

16.7.1 Adequacy of Heating (7.1)

HQS Requirements:

The heating equipment is required to be capable of providing heat either directly or indirectly to all rooms used for living.

Directly means that each room used for living has a heat source such as a radiator, working hot air register, or baseboard heat. (Direct heat source)

Indirectly means that if there is no heat source present in the room, heat can enter the room easily from a heated adjacent room or from below through a floor grate. (Indirect heat source)

Adequate heat means that the heating system is capable of delivering enough heat to assure a healthy living environment in the unit appropriate to the climate.

If there is no direct or indirect heat source(s) in a room used for living, a fail rating is required if the room temperature is below code minimums. If there is heat, its adequacy must be determined. If the unit is occupied, questioning the tenant as to the adequacy of the heat is acceptable. If the unit is not occupied or the tenant has not lived in the unit long enough to require the heat being used, a follow-up inspection may be needed to satisfy the requirement. In certain cases the adequacy of the heat can be determined by simply comparing the size of the heating system to the area to be heated. For example, a small, vented space heater in a living room is probably inadequate for heating anything larger than a small apartment or mobile home.

In areas where the climate requires regular heating, portable electric room heaters as the primary source of heat are not acceptable and a fail rating is required. Similarly, a kitchen stove with a built in space heater should not be considered adequate for the primary heat in areas where the climate requires regular heating.

16.7.1.1 Unit Temperature Requirement

The air temperature in the unit should be no higher than 78 degrees F. or lower than 64 degrees F from September 15th to June 15th inclusive.

In cases of tenant complaint it may be necessary to check actual room temperature. Room temperature can be read at a height of 5' above floor level on a wall any point more than 5' from an exterior wall. Tenants may be referred to the local Board of Health.

16.7.2 Safety of Heating Equipment (7.2)

HQS Requirements:

The heating system must be designed to properly vent combustion gasses outdoors and be free of other types of unsafe heating conditions to assure that the occupants are not exposed to hazards of fire or escaping exhaust gasses. *(See Housing Inspection Manual pages 106 through 113 and 208 through 210)* If there is a question as to the safety of the heating system operation inspectors should require the system be checked and approved in writing by the local building dept. or a licensed heating professional.

HQS fail rating required for:

Escaping gasses from disconnected or broken vent pipes.

Unvented fuel burning space heaters *(except electric heaters)*.

Improper fuel storage and supply lines. *(Oil tanks should be 5 feet away from heating appliance)*

Fuel storage tanks must be raised off the floor on a stable base to prevent leaks from movement.

A shut off valve must be located at the base of the tank.

Fuel lines running across floors must be protected by conduit or cement.

Fuel leaks. *(Check for containers catching leaks or excessive stains around tanks and lines)*

A fuel tank not vented and not filled from outside the building.

The lack of a manual shut-off device for a gas-burning appliance.

Presence of combustible material around heating equipment.

Lack of a proper vent. *(Flue pipes should be fit tightly together and pitched slightly up toward the chimney).*

A flue pipe or collar that does not fit tightly against a wall or chimney. *(Check to see that flue pipes are well cemented and no gaps are present where they meet the chimney).*

Flue pipes not being properly directed from the appliance to the chimney. *(Should be a straight run with slight upward pitch).*

Inadequate clearance between a flue pipe and combustible materials or walls.

Improper installation of the equipment.

Improper maintenance of the equipment.

Heavy build up of soot and creosote around the chimney and flue connections.

Inadequate source of clear return air in a forced warm air system.

Return air not drawn from an area separate from the furnace area in a warm air system.

Major leaks in radiators or duct work which may promote heat loss and affect the heating system capability to satisfactorily heat all habitable rooms in the unit.

Pass with comment:

Dirty heat registers.

A hissing radiator valve. (*Unless a scald hazard or contributes to chronic dampness*).

Covers missing from baseboard radiation. (*Unless in a traffic area and a cut hazard*).

FWHA Requirements:

Safety of Heating Equipment 16.7.2: FWHA requires that pressure relief valves on boilers and hot water heaters be fitted with overflow tubes or downspouts to prevent injury during operation. (*The lack of downspouts on boilers was cited as failed by HUD at audit.*) The operating pressure of the relief valve on a boiler (generally 30 lbs.) and the increased water temperature (180° F. to 220° F.) can make injury as, or more severe than that caused by a water heater. The length of the tube should be approximately 6 to 12 inches above the floor or reasonable to prevent an injury. The tubing material shall be able to not melt or collapse at or below a temperature of 250 degrees F. It is often in an owner's best interest to have the tube long enough to prevent damage and corrosion of the appliance's enclosure cabinet. Look for cabinet deterioration. All heating systems except electric are required to be properly connected to a chimney or otherwise properly exhausted to the outdoors.

16.7.2.1 Prohibited and Unsafe Heating Equipment and Conditions

Is the unit free from prohibited and unsafe heating equipment?

Gas space heaters are never allowed in a room used for sleeping or a bathroom, unless they are direct-vented appliances that draw intake air from outside of the unit.

The following types of heaters are considered unsafe:

All unvented heaters

All portable space heaters

Parlor heaters

Cabinet heaters

Any room heater where the fuel tank is located less than 42" from the burner

Unvented floor furnaces also known as joist heaters

Heaters that use kerosene, range oil, #1 fuel oil, or any portable wick-type heater

16.7.2.2 Wood, Coal, or other Solid Fuel-Burning Stoves

At initial inspection, if the unit is equipped with a working wood, coal, or other solid fuel-burning stove, the owner must document inspection by a qualified professional, with cleaning if necessary. If the tenant uses the wood, coal, or other solid fuel-burning stove regularly during heating season, inspection and / or cleaning is required once every two

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years at annual inspection. Owners must educate tenants on the proper use of the equipment and disposal of ash.

16.7.2.3 Floor Furnaces

Floor furnaces that are properly vented and installed are not prohibited and FWHA does not require waivers for them. To do so would unduly restrict tenant access to otherwise acceptable housing. FWHA does require that floor furnaces be checked or serviced by licensed technicians in the event of trouble or complaint. Advise clients to take precautions for safety.

16.7.2.4 Oil Supply Lines

All oil supply lines that may be subject to damage and in direct contact with the earth or concrete shall be covered with protective concrete or enclosed in a continuous protective sleeve. Plastic (PVC) tubing shall be one method of enclosing the oil line. Overhead oil lines do not require such protection.

16.7.2.5 Certification

FWHA reserve the right to require current documentation of proper heating system operation by licensed technicians, heating contractors, local code inspectors, or utility company at any time in the event of tenant complaint or if the inspector has any reason to suspect improper or hazardous operation of any heating system. Emergency situations such as no heat during heating season (September 15 through June 15 inclusive), gas or oil leaks, carbon monoxide hazards, or other life threatening circumstance shall be treated as 24 hour violations. All non-emergency repairs such as improper operation, built up soot, inconsistent operation, or poor overall condition requiring heating system certification by licensed professionals shall allow the owner 30 days (or within a documented HQS Inspector's approved extension) to provide the required current documentation regardless of the age or type of the appliance. Failure to provide current heating system certification may result in rent withholding and/or contract termination. All unvented heating appliances are prohibited by HUD. All non-electric heating appliances including floor furnaces, gas logs, or gas on gas stoves are required to be properly connected to a chimney by means of a flue pipe or otherwise properly exhausted to the outdoors.

16.7.3 Ventilation and Adequacy of Cooling (7.3)

HQS Requirements:

Units are required to have adequate ventilation and cooling by means of openable windows or a working cooling system to assure that there is adequate air circulation.

If there are at least two properly operating openable windows present, it is fairly safe to assume that the unit meets the definition of "some openable windows ". The final decision on adequacy of airflow depends upon the size and placement of the windows and the size of the unit. If the building is very close to other buildings, (*such as pictured on page 114 of the Housing Inspection Manual*) inquire as to whether or not airflow is seriously affected.

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The phrase "working cooling equipment" includes central fan ventilation systems, evaporative cooling systems, and room or central air conditioning. Ask the tenant or owner / manager if the equipment is working properly.

16.7.3.1 Dampness

Does any habitable room have chronic dampness as evidenced by regular and/or periodic appearance of moisture, mold, mildew or fungi?

If plumbing and ventilation are in good repair and properly used, there should not be chronic dampness. If chronic dampness, mold, mildew or fungi, it may require special cleaning and treatment with mildewcide and paint or replacement.

Here are some suggestions for reducing the amount of moisture in homes.

Install adequate mechanical ventilation to outdoors in kitchens.

Keep rainwater out by using drainage planes (overlaps to shed water) and appropriate flashing. Also protect all siding and trim from moisture penetration by painting all 6 sides of the boards.

Keep ground water out by maintaining gutters and downspouts to divert water away from the building, properly grade around the foundation to direct water away, or install perimeter drains. *(The more you know about gutters and downspouts, the more important they become.)*

Reduce moisture in attics and crawlspaces. Vent roofs and do not vent crawlspaces.

Vent interior moisture sources to outdoors. Do not vent dryers indoors. Do not

vent bath fans into attics. *Properly vent all gas burning appliances and heaters.

Insulate ductwork located outside of conditioned spaces or locate it within

conditioned spaces.

Install energy efficient windows to reduce the amount of condensation on the glass.

16.7.4 Water Heater (7.4)

16.7.4.1 Hot Water Temperature

The temperature of hot water supplied to all faucets should be between 110 degrees F. and 130 degrees F.

If water is too hot or too cold, check proper operation of hot water heater and general condition of hot water heater and its piping. In cases of tenant complaint it may be necessary to check actual water temperature.

HQS fail rating required for:

Location that presents a hazard: Gas water heaters may not be located in bedrooms or other living areas where safety hazards may exist. Exceptions may be made if safety dividers or shields are installed or the installation is approved by the local building dept.

Combustible materials piled around or against the water heater are fire hazards. *(solids and liquids)*

Gas leakage. *(Strong gas smells may indicate gas leaks.)*

Flooding danger.

Seriously cracked or broken vent / flue pipes on gas or oil fired water heaters that will allow exhaust gasses to escape into the unit.

Absence of a temperature and pressure relief valve with a proper overflow tube or downspout attached to direct any hot water discharge from creating a scald hazard. The downspout shall be of a material that will not melt or collapse at temperatures at or below 250 degrees F. and the downspout shall terminate between 6-12 inches above floor level. *(Remember that a blocked or plugged pressure relief valve can have the effect of turning a water heater into a very powerful bomb. There are instances when an exploding water heater blows, like a rocket, right through the floors and out through the roof of a house.)*

Improper flues for venting exhaust gasses. *(Remember a slight upward pitch, tightly fit connections, and no gaps around the connection to the chimney are required.)*

Flue pipes must have proper clearance from combustible walls or materials. *(See page 112 Housing Inspection Manual - Figure 38) Flue pipes can become very hot. If there is not enough clearance at points where the flue enters or runs through a wall, over time the combustibility of the surrounding material will increase creating a fire hazard. Also, look for wires in contact with flue pipes to prevent shock hazards. Electric hot water heaters do not require flue pipes.*

Serious leaks from the tank or supply piping.

Tagged by the local building dept. or utility company for unsafe condition.

16.7.4.2 Gas Fueled Hot Water Heaters (7.4)

No gas-fueled hot water heater may be located in a room used for sleeping or a bathroom, unless they are direct-vented appliances or draw intake air from outside of the sleeping room and the local building department has approved the installation.

16.7.5 Approvable Water Supply (7.5)

HQS Requirements: *(Page 116 Housing Inspection Manual)*

To guarantee that the occupant has adequate clean water the unit must be served by an approved public or private sanitary water supply. If a municipality supplies the water, it passes. If water is supplied by means of a private well, inquire as to the nature of the water and ask if it has been tested in the past by the appropriate public agency as an approvable source of water. Do not require that a current test be obtained. In cases where water quality is questionable, (discolored, foul smelling, tenant complaint) it may be necessary to require the water to be tested.

16.7.5.1 Water Pressure

Water pressure supplied to all faucets should be sufficient to meet the ordinary needs of the occupants.

1 6.7.5.2 Plumbing (7.6)

HQS Requirements:

To assure that the unit is free of serious plumbing problems involving leaking or corroded pipes that could present a hazard to the occupants, the plumbing must be free of leaks or corrosion that could result in contamination of the drinking water. *(Also see Mass. State Sanitary Code 410.350 A and B)*

HQS fail rating required for:

Leaking pipes. *(Inspect for water on the floor or water in buckets under pipes.)*

Pipe corrosion causing contamination of the drinking water. *(Seriously corroded*

pipes and persistent levels or rust or contamination of the drinking water can be

determined by observing the color of the water at several taps. Be sure the

condition is persistent and not a temporary condition caused by city or town

maintenance of water lines.) If the conditions are serious, the owner must contact

a licensed plumber for repairs.

16.7.5.3 Sewer Connection (7.7)

HQS Requirements:

To guarantee that the unit is connected to a properly working sewer system the plumbing is required to be connected to an approvable public or private disposal system that is free from sewer back up. If the unit is connected to a municipal sewer system and is properly functioning the requirement is satisfied. If it is connected to a private system, ask the

owner about the type and whether it meets local health and safety standards.

HQS fail rating required for:

Not connected to an approvable sewer system.

Sewer leaks or frequent back ups.

Strong sewer gas smells or marsh areas caused by sewer or septic back up.

Clogged or regularly slow drains.

16.8 General Health and Safety

This is a very broad category that requires inspectors to use good judgment and common sense. The basic objectives are to ensure the following:

The tenant has direct access to her / his own unit assuring privacy of the living quarters.

The tenant has an alternate means of exit from the building in the event of a fire.

The tenant will not be exposed to chronic infestation of rats, mice, or insects.

The tenant will not be exposed to unhealthful conditions from accumulation of garbage.

The tenant has adequate means of storage and disposal of garbage and refuse.

Interior and exterior stairways and common halls of the building are safe and adequately lighted.

The interior of the unit is free from any other hazards not specified elsewhere.

Elevators, when present, are operating so as not to present a hazard to occupants.

The occupant is not exposed to abnormally high levels of harmful gasses or other

pollutants.

The occupants are not exposed to any dangerous site or neighborhood conditions.

16.8.1 Access to Unit (8.1)

HQS Requirements:

All units are required to ensure privacy of the living quarters. You must be able to access the unit without passing through another unit and tenants of other units must not have to pass through the unit to gain access to their units.

16.8.1.1 Security

According to the building location, common practice, and at the discretion of the HQS inspector based on knowledge of the neighborhood, every entry door to a building that provides direct access to the outside shall be fitted with a working keyed lockset. Accessible means windows with sills less than 6 feet off the ground, windows or doors leading onto a fire escape, porch or other outside place that can be reached from the ground.

All egress doors must be easily openable from the inside without the use of a key, special knowledge or effort.

A chain lock, slide bolt or hook and eye lock is not adequate as the only lock for any unit entry doors.

If the unit provides direct access to a common basement, be sure the unit door is lockable with the keyed side facing the basement and provides security for the tenant.

A hatchway to a common attic must be secured or lockable.

Replacing a loose or ill-fitting lock or striker plate may require providing new, solid, wood blocking at the doorframe or at the door itself in order to install the lockset securely.

16.8.1.2 Accessibility

Are all areas of the building accessible to allow the inspector to inspect all critical areas in order to assure compliance with all HQS and FWHA HQS Inspection Addendum? To avoid possible rent stoppage a doorbell may be required if inspector access is routinely problematic (See Mass. State Sanitary Code 410 480)

Occasionally, certain areas of a building are not readily available for inspection. Most common are locked basements and utility rooms of large buildings. While the owner is within his/her rights to deny tenants access to certain spaces, it is imperative that the

inspectors are allowed to inspect all of the building. An owner's refusal to grant access to a space is grounds for denying or withholding subsidy to the owner and/or termination of the HAP contract.

16.8.2 Evidence of Infestation (8.3)

HQS Requirements:

All units are required to be free of rats or severe infestation by mice or vermin. (*Includes squirrels, skunks, raccoons, possums and other wild animals*) Rats may be evidenced by the presence of larger droppings, rat runs, or numerous settings of rat poison. Mice may be evidenced by the presence of smaller droppings, mousetraps, or holes chewed into food boxes. If roach infestation is persistent and severe the unit may fail inspection.

FWHA Requirements:

If infestation is chronic the owner must provide documentation to verify professional extermination.. If a professional exterminator is called in, the tenant will need to cooperate and provide access. Very often the entire building will need to be treated for the treatment to be effective. This applies to severe flea infestations as well. Very often professional exterminators will need to treat the building multiple times to eradicate the problem. If the tenant's housekeeping is creating or contributing to the problem, the unit can fail for tenant caused. Repeated tenant caused failure shall cause termination of assistance.

16.8.3 Garbage and Debris (8.4)

HQS Requirements:

The unit must be free of heavy accumulation of garbage and debris both inside and out. "Heavy accumulation" means large piles of trash, garbage, discarded furniture, and other debris. (*This could include car parts or construction debris*) This is a level of accumulation that cannot be picked up by an individual in 1 to 2 hours. (*See page 122 of Housing Inspection Manual figure 41*). Accumulations of this type generally result in severe levels of rats and / or infestation of vermin.

The owner is ultimately responsible for the final collection, disposal or incineration of all garbage and debris. Tenant charges may apply and this situation may be a serious violation of the lease.

In multi-family units, the owner is required to provide trash receptacles (barrels or bins with tight fitting covers, dumpsters, etc.) adequate in capacity and safety to temporarily contain the trash for all units between periodic contracted or municipal pick-ups.

The owner must make every attempt to locate receptacles so that no objectionable odors enter the dwelling unit.

The occupant is responsible for placing garbage and debris in designated receptacles or other point of collection. The occupant's failure to do so will constitute a fail rating for tenant-caused violations. The tenant is responsible for the proper care of the trash containers and replacement if replacement is required.

The occupant is responsible to maintain the unit free of garbage, debris, filth or cause of sickness. The occupant's failure to do so will constitute a fail rating for tenant-caused violations.

16.8.3.1 Refuse Disposal (8.5)

HQS Requirements:

To assure the tenant has adequate means of storage and disposal of garbage covered facilities for temporary storage and disposal of food wastes are required. "Adequate covered facilities" include trashcans with covers, garbage chutes, dumpsters with lids, and trash bags if approved by the local health or sanitation dept. In most areas of the country the landlord is expected to provide the refuse disposal facilities in multi family buildings, but in some instances it is the tenant's responsibility to contain the garbage and/or take it to the dump. If this is the agreement and the tenant does not comply the unit may fail as tenant caused.

16.8.4 Interior Stairs and Common Hallways (8.6)

HQS Requirements:

All interior stairs and common halls are required to be free of safety hazards to the occupant, such as: loose, broken or missing steps on stairways; absent or insecure railings; inadequate lighting; or other hazards.

HQS fail rating required for:

Loose, broken or missing steps.

Absent or insecure railings. (*A loose or broken handrail or railing can be more dangerous than a missing one because it allows a false sense of security*).

Missing railing at unprotected height over 30 inches.

Inadequate lighting or absence of lighting for treads and risers.

Accumulation of items or debris on steps or blocked fire exits.

Ripped, torn, or frayed trip hazard stair coverings such as carpets or mats.

Missing sections of vertical railing called balusters. (*If*

balusters are missing, look for the remnant nail exposed under the handrail).

Handrail missing on section of 4 or more steps. (*Count the risers*).

Electrical hazards.

Broken windows.

16.8.4.1 Common Area Lighting

The owner must provide operating light bulbs in all required light fixtures in all interior and exterior common areas of the building.

16.8.5 Other Interior Hazards (8.7)

HQS Requirements:

The unit is required to be free of any other hazards not specifically identified previously. The types of hazards that may be present but not addressed prior to this item are:

A nail protruding in a cut hazard fashion.

A broken bathroom fixture with a jagged edge at a level that presents a cut hazard.

A door that may fall due to loose or broken hinges. (*Sometimes removal of the*

door, such as on a closet, is the best solution. Remember, there is no requirement

for closets to have a door).

Use good judgment in determining hazards not listed.

16.8.5.1 Circuit Panel Box/Fuse Box

There must be no open spaces or missing circuits in the electrical panel box, require open spaces be covered with blank inserts to prevent accidental shock. Face covers must be secure.

16.8.5.2 Storage of Flammables

FWHA and its Inspectors will allow the responsible storage of yard and building maintenance equipment such as lawn mowers, trimmers, chain saws, and snow blowers in the basement. Storage of these items shall not be allowed in the unit or common areas. These items shall be stored as far as is practical from any heating appliances. FWHA and its Inspectors reserve the right to prohibit storage of these items anywhere due to their proximity to heating equipment or the presence of fumes. It is recommended that the equipment be depleted or run out of gas prior to storage. Other items with gas tanks such as motorcycles or other motor vehicles, propane tanks for grills, gasoline or kerosene cans shall not be allowed to be stored anywhere indoors. The following exceptions are permissible by FWHA.

Storage is in an outbuilding or shed.

If the owner can provide written approval for storage from the Local Fire Department.

If the storage area is a separate area only accessible through an exterior entrance

If the area is enclosed with fireproof grade gypsum wall board and ventilated.

Outdoor storage of gasoline or kerosene cans shall not be allowed under any stairs that comprise any part of the fire egress and they shall not be placed so as to create a hazard within a child play area or within the reach of children.

16.8.5.3 Storage of Pollutants

Improper storage or disposal of used motor oil and pollutants. Improper disposal of used motor oil is a serious environmental problem. (1 quart of motor oil pollutes 1 million gallons of groundwater. That is more than a year's supply of potable water for 50 people). Retailers of motor oil are required to accept used oil for recycling. Storage is to be considered a hazard if the container is not sealed or properly covered and there is

evidence of seepage or overflow. Clean up must be required. If offenders do not comply, incidences may be reported to the Indiana Department of Environmental Management

(IDEM). Record instances of improper storage of oil and other automotive fluids as a violation, especially if children can access it. Advise clients to return used oil to the store where it was purchased for recycling free of charge. Retailers are required to accept up to 2 gallons per person per day if you have the purchase receipt. To report retailers who refuse to accept used oil from patrons who have a receipt contact the Used Oil Hotline at www.in.gov/idem/prevention/hhw/regulations.html#motoroil

16.8.6 Optional Equipment

Owner installed optional equipment usually adds to the value of the unit and is a consideration in the determination of rent reasonableness. The working condition of owner installed optional equipment must be noted on the initial inspection report. Thereafter, the owner is responsible to maintain in working condition.

Owner installed optional equipment may include, but is not limited to doorbells and buzzer system, air conditioner, dishwasher, garbage disposal, laundry facilities, etc.

16.8.7 Elevators (8.8)

FWHA has adopted a follow-up procedure that ensures that all elevators receive a current inspection certificate prior to the next annual inspection. Subsequently, upon the next annual inspection, if the elevator has not been inspected in accordance with local requirements, the unit must receive a fail rating. Documentation from a qualified elevator maintenance company may also meet this requirement.

HQS Requirements:

To assure that elevators, when present, are operating in a manner that does not pose a safety hazard to the occupant, refer to local licensing practices for elevators. If the unit being inspected contains multiple elevators, base your rating on the one in which you are riding. Ask the tenant if there are any problems with the other elevators, such as stopping between floors and doors opening.

16.8.8 Interior Air Quality (8.9)

HQS Requirements:

To assure that the occupant is not exposed to abnormally high levels of harmful gasses or other noxious pollutants the unit must be free of abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust, or other pollutants. "Abnormally high"

means that the levels of pollution are consistently present in amounts that would constitute a continuing health hazard to the occupant. Air quality can be affected by external sources such as refineries, pulp or paper plants, chemical industries, proximity to heavy traffic, or proximity to truck or bus garages. It can also be affected by internal sources such as sewer or cooking gas, or fumes from improperly operating heating systems.

You will probably be powerless to effect change in pollution from external sources; therefore, if levels are high enough to be dangerous to the tenant, the unit should fail. If the pollution is due to a malfunctioning gas appliance such as stoves or heating systems, the landlord or utility company should be notified at once and the appliance turned off until repairs are made. *(This may constitute a 24-hour violation).*

16.8.9 Site and Neighborhood Conditions (8.10)

HQS Requirements:

The site and immediate neighborhood must be free from conditions that would seriously endanger the health and safety of the residents. Examples of conditions that would seriously and continuously endanger the health and safety of the residents are:

Other buildings, on or near the property, which pose serious hazards, (e.g., dilapidated shed, garage, or neighboring building with the potential for structural collapse).

Evidence of flooding or major drainage problems.

Proximity to open sewage.

Fire hazards.

Abnormal air pollution or smoke that continues throughout the year.

Continuous or excessive vibration of vehicular traffic. (If unit is occupied, ask the tenant).

A vacant and vandalized building adjacent to the tenant unit.

No fence along an unprotected height, watercourse, or railway bed.

A dead or damaged tree with potential for injury or damage due to limbs falling.

High crime, gunfire, bullet holes, and/or drug activity in close proximity to property.

If excessive garbage, trash, debris, or other obvious hazard is present on property adjacent to or providing access to the property being inspected and the family composition includes children under 6 years old or elderly or disabled individuals, a fail rating is required. Even if the landlord of the inspected property does not own the littered property he may be required to pursue one of the following remedies:

Make the area clean and safe.

Construct a fence that will separate the property in question. (*Suggest a low-cost fence such as roll wire garden fencing and steel posts available at larger home and garden centers and installed fairly easily*).

Notify, in writing, the local board of health referencing *IN State Sanitary Code* and provide copies of the letters, which demonstrate the attempt to report the condition to the owner of the adjacent property. The letters should remain in the tenant file.

Some marginally acceptable conditions require inspectors to use good judgment to determine the acceptability of the site and neighborhood. Examples of

· marginally acceptable conditions that may pass but should be noted on the form are:

Unimproved space such as a nearby vacant lot with some trash.

Large bare patches on the ground around the building.

Evidence of a general lack of maintenance (some litter or lawn in need of care).

In making judgments about the site and neighborhood conditions consider the family composition. If small children are included, many of the above-mentioned items would require a fail rating. If older children or elderly adults comprise the family, many of these conditions would not necessarily present a danger.

16.8.10 Lead paint, Owner Certification (8.2)

All inspections for new units which will be occupied by a child under 6 years old and built prior to 1978 must include obtaining from the prospective property owner (or agent) a Letter of Compliance (LOC), a Letter of (Re) Occupancy (Re) Inspection Certification,

Certification of No Interior Dwelling Unit Violations, Letter of Unauthorized Deleading, or a Letter of Interim Control stating that the unit meets the requirements of the Massachusetts Lead Poisoning and Prevention Control Act, as amended. **All project based units (including Mod Rehab and other project based initiatives) must have full Lead Compliance documentation (no Re-Occupancy or Interim Control) since it is not known when a child under 6 years old will reside in these units and families with children must be allowed equal access to these units. HUD soil testing requirements are applicable to project-based units when bare soil in excess of 9 square feet is identified.** The only exceptions may be for those project-based units specifically designated as "elderly housing" or single room occupancy (SRO).

Rotted or damaged substrate may require replacement prior to the surface maintenance.

All units housing children under 6 years old currently under lease must have compliance documentation. **The Section 8 inspectors do not perform lead inspections. Inspectors must, however, complete the HUD Visual Assessment Training.**

Buildings constructed after 1978 do not require certification regarding lead paint.

The owner is required to submit a copy of the original Building Permit in order to verify the age of the building. **A permit to rehab or alter shall not substitute for an LOC.** If, however, the building is built prior to 1978, in the absence of a lead inspection report issued by a Mass. licensed lead inspector showing that the paint does not contain unsuitable levels of lead, the only assumption must be that the defective paint represents a lead hazard.

During the lease term, upon notification or knowledge of a new or additional child under 6 years old in the unit, the owner shall be given written notice by the RAA allowing 90 days to submit an LOC. A 30-day extension may be granted if deleading is currently in process.

FWHA requires that Inspectors schedule new unit inspections that require an LOC only after the LOC has been received and screened. All Inspectors must ensure that at the time of inspection, inspectors are aware of the type of compliance documentation and the date of issue.

16.8.10.1 When Was the LOC Issued?

Lead inspections performed between July 1988 and July 1, 1990 must have been performed by an inspector registered with the Department of Public Health. Any lead inspection performed after July 1, 1990 must be performed by an inspector licensed by the Department of Public Health.

Any LOC issued prior to July 1988 must be accompanied by written approval of "grandfather" status from the Massachusetts Childhood Lead Poisoning Prevention

Program (CLPPP). In order to obtain "grandfather" status, owners must be advised to forward all lead related information to:

CLPPP

1 Main St.

Fort Wayne, IN 46801

With a pre-1988 LOC, a Post Compliance Assessment Determination (PCAD) is required when any cited defective paint is found on windows.

No LOC issued prior to July 1988 is acceptable for HCVP Project-Based Assistance units.

16.8.10.2 Time Sensitive Lead Documentation

Letter of Reoccupancy or Certification of No Interior Dwelling Unit Violations

Letters of Reoccupancy: There is **no Post Compliance document for Reoccupancy or Certification of No Interior Dwelling Unit Violations Letters.**

Although these are not Letters of Compliance, provided the unit passes all of HUD's HQS requirements, these documents are acceptable and a lease may begin. A Letter of Re-Occupancy or Certification of No Interior Dwelling certifies that only the interior of the unit is in compliance. According to Massachusetts law, the tenant may take (or resume) occupancy once a licensed lead inspector has issued this certification. At this point, the owner is allowed no more than 120 days from the date of issue to provide a Letter of Compliance that confirms that all common area and exterior work has been done. Inspectors must develop a tracking procedure to ensure that expired (**more than 120 days since issued per CLPPP directive**) Letters of Re-Occupancy or Certification of No Interior Dwelling Unit Violations are not accepted. Inspections for these units must remain active with an on-site reinspection scheduled prior to the expiration of the 120-day term in order to ensure compliance with FWHA regulations approved by CLPPP.

There is no certification of maintained or restored compliance for these lead documents.

A Letter of Interim Control certifies that there are no urgent lead hazards present, such as chipping and peeling paint in the unit; therefore, according to Massachusetts law the unit is considered safe for occupancy. A Letter of Interim Control is valid for one year, at which time the owner may renew for an additional year with the approval of a licensed lead paint inspector. After a maximum of two years from the date of issue the owner must submit a Letter of Compliance if the unit is still occupied by a child under the age of six. Each RAA is responsible for developing a tracking system for units under Interim Control. **If the unit falls out of compliance under Interim Control, the Mass.**

deminimus standards shall be applied and Post Compliance Assessment Determination (PCAD) (See 16.8.8.6) is applicable. A Letter of Maintained or Restored Interim Control is required from a Mass. Licensed lead inspector.

No time-sensitive lead documentation shall be accepted for participation in any Project Based Assisted units (includes mod rehab). Project-based units specifically designated for the elderly or SRO (single-room occupancy) may be exempted from the lead documentation requirement.

16.8.10.3 Accept Original LOCs Whenever Possible

Accept only original LOCs as valid documentation whenever possible. A noted copy of the original is acceptable as well as temporarily accepting a facsimile copy contingent upon viewing the original in order to expedite a new lease or continue the HAP.

16.8.10.4 Conducting an Inspection

Prior to conducting any inspection, RAA inspectors must be informed of the presence of any children less than six years of age in the unit. Project-based programs must also be clearly identified on all RAA Inspection Reports in order to identify them as subject to soil testing requirements.

The Inspection Checklist must also include a section that indicates whether or not there is a valid Lead Documentation on file, if required, the type of documentation, and date issued to ensure follow up on any time-sensitive lead documents within required time frames.

Whenever an inspection fails for defective paint the inspection report shall indicate, "treat defective paint". FWHA strongly advises Inspectors to encourage participating owners to obtain Moderate Risk Authorization from CLPPP.

16.8.10.5 Conducting an Annual Inspection When an LOC is already on File

During an annual inspection of a unit that already has compliance documentation on file, the unit must be inspected for defective paint. In accordance with CLPPP policy, once the unit is in compliance with the Lead Law, the owner may, under certain circumstances, perform the work necessary in order to maintain compliance without employing a licensed deleader. In instances where the cited defective paint is below the Mass. deminimus standards (See 16.8.8.6), this will afford owners the convenience of correcting insignificant defects in the paint themselves. It is important to advise owners to obtain

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Moderate Risk Authorization from CLPPP. The owner is responsible to follow appropriate work practices and safety precautions and must be notified by the RAA

whenever a unit fails for defective paint. The tenant must also be notified and encouraged to co-operate with the owner in order to assure corrective work is performed safely.

16.8.10.6 Mass. Deminimus Standards and Post Compliance Assessment Determination

FWHA and Inspectors adhere to the Massachusetts Lead Law as an equitable level of protection to the HUD lead paint regulations. **FWHA does require that RAA inspectors complete HUD Visual Assessment Training. The Massachusetts deminimus standards shall be observed.**

Mass. deminimus standards are defined as:

10 sq. ft. of defective lead paint on combined exterior surfaces within the lot line. (includes fences, out buildings, etc.)

2 sq. ft of defective lead paint per room on interior surface areas combined. (walls, ceiling, floors, trim)

If RAA inspectors determine that the area of defective lead paint is within (less than) the Mass. deminimus standards, the owner/agent shall be allowed to treat and clean up the area on their own. Owners should be encouraged to obtain Moderate Risk Authorization from CLPPP.

If the RAA inspector determines that the area of defective lead paint is beyond (more than) the Mass. deminimus standards, a Post Compliance Assessment Determination (PCAD) by a Massachusetts licensed lead inspector must be required. Owners must consult the lead inspector prior to undertaking any correction. The protocols of Post Compliance Assessment Determination require dust wipe sampling by the licensed lead inspector after clean up, which satisfy the HUD and Mass. requirements for "Clearance".

With a pre-1988 LOC, a Post Compliance Assessment Determination (PCAD) is required when any cited defective paint is found on windows.

Only those units that have valid lead compliance documentation already on file with CLPPP are eligible for Post Compliance Assessment Determination (PCAD). Once the requirements are satisfied, the licensed lead inspector will issue a "Letter of Maintained Compliance" if the owner made the correction or a "Letter of Restored Compliance" if the correction was completed by another authorized person. **The RAA must have the Maintained or Restored Compliance document on file before the inspection can pass.**

Owner Options:

When cited for defective paint in excess of Mass. de minimus levels, the owner shall be afforded three options:

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Provide a copy of the original Lead Inspection Report showing the surface cited is not a lead hazard. Any surface recorded as not accessible (NA) or inconclusive shall be assumed to represent a lead hazard.

Obtain a Lead Determination of the surfaces cited from a Mass. licensed lead inspector stating that surface does not represent a lead hazard.

Obtain a Post Compliance Assessment Determination (PCAD) from a Mass. licensed lead inspector prior to the treatment of the defective paint.

In cases where a child under six is known to have an elevated blood lead level at 10 micrograms per deciliter or higher, a Post Compliance Assessment Determination (PCAD) shall be required. All deleading and lead paint activities must be completed by Authorized Persons per CLPPP directive.

16.8.10.7 Inspecting Where a Child Has an Elevated Blood Lead Level

When it is determined that a resident child has developed an elevated blood lead level there are specific actions that Inspectors and PHAs must undertake. **Tenants may refuse to answer specific questions regarding their medical information. If this occurs, program staff must record that the tenant refused to answer.**

If the level exceeds HUD Elevated Blood Intervention Lead Level of 15 to 19 micrograms per deciliter in 2 tests taken at least 3 months apart or a single test of 20 micrograms per deciliter Inspectors and PHAs must:

Get a copy of the lead inspection report from the owner.

Determine whether sodium sulfide or an XRF machine conducted the lead inspection.

If the lead inspection was done by sodium sulfide a new lead inspection by XRF

is required because HUD does not recognize sodium sulfide testing.

The XRF test must indicate that all applicable surfaces below 5 feet with lead content at or exceeding 1.0 mg/cm have been abated.

Failure to comply must result in contract termination. Owners must take action or be in process within 30 days to prevent termination.

Authorized persons must do all deleading work and lead paint maintenance to achieve or restore compliance. This means that owner/agents must complete training for Low- or Moderate-Risk deleading prior to treating the defective paint, or utilize High-Risk authorized/licensed persons. **Moderate-Risk Authorization is required in order to make loose lead-based paint below Mass. de minimus levels intact.**

EBL cases of 10 micrograms per deciliter or higher but below 15 micrograms per deciliter: Clients should be advised to cooperate with CLPPP in all matters relating to lowering the child's blood lead level.

Known EBL cases at 10 micrograms per deciliter or higher shall require a Post Compliance Assessment Determination. All deleading and lead paint maintenance activities must be completed by Authorized Persons per CLPPP directive.

A lead inspection report by sodium sulfide testing remains acceptable until the EBL reaches 15 to 19 micrograms per deciliter in 2 tests taken at least 3 months apart or a single test at 20 micrograms per deciliter. At this point an XRF lead inspection must be required.

The RAA must ensure that there is coordination between program representatives and inspectors to ensure that the number of children with an EBL is filled out on the inspection form. When this information is provided to the program representatives by the family it must be subsequently conveyed to the inspector.

16.8.10.8 Unauthorized Deleading and Fraudulent LOCs

Unauthorized Deleading

At times an inspector may suspect illegal deleading or unsafe work practices or a staff person may suspect a forged or altered LOC. Whenever any such activity is suspected it should be reported to the Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP) with a copy sent to FWHA's Housing Inspection Coordinator.

Letter of Unauthorized Deleading or Document of Full Compliance Status or Documentation of Compliance Status:

This letter is issued when it is determined by CLPPP that deleading work has been conducted by persons not authorized or licensed for the work in an effort to obtain an LOC. **FWHA allows acceptance of these letters because they clearly state that the unit currently meets the conditions for compliance with the Mass. Law and dust wipe samples have been determined to pass.** As in all other cases, compliance is

required to be maintained. If any defective surface is in excess of Mass. de minimus levels an assessment determination by a Mass. licensed lead inspector is required. **There is no formal letter of maintained or restored compliance. A letter from a Mass. licensed lead inspector on letterhead showing his name and license number stating that the unit currently meets the standards for compliance of the Mass. Lead Law shall be acceptable.**

16.8.11 Smoke Detectors (8.482)

HUD's Housing Quality Standard effective October 30, 1992 requires that each dwelling unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the unit and in the basement. Smoke detectors should be located adjacent to sleeping areas whenever possible. Additional smoke detectors shall be required and maintained to afford adequate protection for all sleeping rooms. FWHA further requires at least one battery-

operated or hard-wired smoke detector be installed in common hallways. Any level is acceptable, however the top level is recommended.

If the unit is to be occupied by a hearing impaired person who requests that the owner install a smoke detector designed for the hearing impaired, and if the owner is willing, it must be installed in the bedroom occupied by the hearing impaired person, adjacent to or outside the bedroom. Such an accommodation by the owner shall be a consideration in the grading of the unit for use in determination of rent reasonableness.

If the tenant has access to the attic for storage on a regular basis, a smoke detector is required in the attic.

16.8.12 Asbestos (8.353)

Every owner shall maintain all asbestos material which is used as insulation or covering on a pipe, boiler or furnace, in good repair, and free from defects such as holes, cracks, tears, or looseness which may allow the release of asbestos dust or which may allow the release of any powdered, crumbled or pulverized asbestos material. The citation on the Inspection report must read: "Asbestos material must be maintained in good condition and free from defects".

16.9 Determining the Severity of Violations

16.9.1 Sending a 24-Hour Notice for Violations

Violations that present an immediate threat to the health and life safety of the family must be corrected within twenty-four hours. The FWHA must contact the owner by phone within 24 hours of citing the violation. The phone call must be followed-up in writing. If the FWHA is unable to contact the owner or agent by phone or in person, the written notice must be sent by certified mail.

Confirmation that the owner or agent has proceeded to make corrective repairs or made a sufficient good faith effort to repair must take place on the next business day following the 24-hour correction period. On-site reinspection at the next reasonable scheduling opportunity is the only acceptable definitive verification that the unit is in compliance with HQS.

The Inspection Form Addendum for 24 Hour Notice (Attachment 16-C) must be used to provide written notice to the owner with a copy to the tenant. Refer to HQS Compliance for more information regarding determining the severity of violations and the course of action when violations are discovered.

16.10 Tenant Caused Violations

The family is responsible for a breach of HUD's HQS that is caused by any of the following:

Failure to pay for tenant supplied utilities;

Failure to provide and maintain a stove and/or refrigerator if required in accordance with the lease;

Damage caused by the family or guest to unit or premises beyond ordinary wear and tear.

In instances where it is not clear or obvious that the violation is tenant caused, the burden of proof is on the owner. The owner is strongly recommended to provide a Pre-Move-in Statement of Condition to the tenant whenever a security deposit is collected. Ask to review the Pre-Move-in Statement of Condition. If the Statement of Condition is not available, the initial inspection report may be helpful. An execution for eviction may also demonstrate that the court agrees that the tenant may be evicted and is responsible for damages to the unit. Also take into consideration whether the owner has a history or practice of violating HQS or FWHA HQS Inspection Addendum.

The INSPECTION FORM ADDENDUM FOR TENANT CAUSED VIOLATIONSTENANT RESPONSIBILITY (Attachment 16-D) must be used to provide written notice to the tenant. The owner must also receive a copy of the notice along with a letter of explanation (Attachment 16-E). See HQS breach caused by family for more information regarding enforcement procedures and proper course of action when tenant caused violations are discovered.

16.11 Repeated Tenant "No Shows"

A different type of accessibility issue also occurs with some frequency. In this instance, the tenant is notified of the requirement to make his/her unit available for an inspection, and the tenant repeatedly fails to have someone home to allow the inspector access to the unit. The tenant's failure to allow access to the unit after two "no-shows", where proper advance notice has been given by the FWHA and the tenant has failed to contact the agency if a conflict exists with the proposed schedule for the inspection, may result in the tenant's termination from the program.

16.12 Procedure to Follow for Inconclusive Inspections

At times the inspector cannot conclude whether an item passes inspection, and must classify an item as Inconclusive. **The unit does not pass inspection if any item is Inconclusive.** In certain cases a new lease may begin provided an on-site reinspection is performed once the

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16.12.1 Vacant

Frequently, at initial inspection the unit is vacant and the utilities are turned off. The owner shall be urged to have the utilities turned on for the purpose of inspection. FWHA policy requires any utilities necessary to verify systems operability be on and available prior to scheduling the HQS inspection. The inspector is unable to check water, electrical and heating systems without utilities. Once the unit otherwise passes inspection, the lease may begin and HAP payment can be either released or withheld until verification by an on-site reinspection to confirm the good working order of the inconclusive utility. The on-site confirmation must be performed no later than 30 days after the lease start date. Failure to comply may result in HAP suspension or contract termination.

16.12.2 Tenant Supplied Appliance(s)

In the case of tenant-supplied appliances, such as a refrigerator or stove, the lease may begin and the housing assistance payment can be made the date the unit otherwise passes inspection. Verification by an on-site reinspection to confirm the presence and good

working order of the appliance must be performed no later than 30 days after the lease start date. Failure to correct within 5 days of notification may result in rent suspension and/or tenant termination from the program. The size of the appliances shall be appropriate for the family composition. Substituting a microwave oven for a stove shall not be acceptable unless previously approved by the FWHA.

16.12.3 Subject to Approval

An inspector may also fail or note an item Inconclusive subject to the inspection and approval by appropriate qualified professionals such as local health, building, plumbing, electrical or fire inspectors, licensed heating/plumbing contractors, local utility companies, licensed lead paint inspectors, state certified elevator inspectors or licensed elevator maintenance companies, and licensed extermination companies. Any such written approval must be currently dated and specifically approve the questionable condition. If at any time the HQS INSPECTOR disagrees with the decision rendered by the appropriate qualified professional or believes that the condition requires further evaluation, the HQS INSPECTOR shall notify FWHA.

Certification Regarding the Safe Operating Condition of the Heating System and/or All Heating Appliances - In accordance with Section 16.7.2.5 all heating systems must be certified as safe. The certificate may be posted on the heating unit.

Written Approval from a Local Official or a Posted Building Permit may be required in situations where systemic or structural repairs or rehab are in progress. Approval may also be required when systemic or structural potential hazards or other questionable conditions may exist, such as with new construction.

A Building Permit may also verify the date the building was built. Properties built after 1978 will usually not contain lead based paint.

An **Elevator Inspection Certificate** must be posted or on file. If the elevator inspections are not up to date, follow up is required in accordance with Section 16.8.7.

Certification from a licensed Elevator Maintenance Company may be required to confirm the safety of an elevator that fails inspection.

A **receipt** to verify professional extermination in cases of chronic infestation. **16.13 Adopting a Uniform Grading System for Determining Unit Quality**

Unit grading is a process that aids considerably in the determination of the value of a rental unit for the purpose of reasonable rent determination. Inspectors assign grades and

policy must be implemented uniformly and fairly without regard to personal preference but rather backed up with facts about the current condition of the property inspected.

FWHA requires that unit grades be entered into the Internet Based Inspection Audit Reporting System. It is required that Inspectors document and maintain this information on file. Once this uniform grading system has been adopted and implemented by a FWHA, the current participating owners and tenants must be notified of the grading criteria and the unit grade upon inspection. New participants shall be informed at initial briefing session of the grading system. If a new unit is rejected on the basis of a D grade, the prospective owner shall be informed of the grade along with the grading criteria.

A personal preference may be to say that a nice single-family house on a pretty lot in the country is desirable and of high value as opposed to a three-family on a main street in the city. But the needs of the client are important factors to consider. Perhaps the client needs access to public transportation or health or other services that are more readily available in the city unit. The point is that what makes a unit desirable to one person may not be a consideration to another person with different priorities.

Two primary goals of the Section 8 Voucher Program both tenant-based and projectbased are:

That tenants and their families live in units that are safe, decent and sanitary.

That participating owners receive reasonable rent for these units.

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Since HUD regards rent reasonableness as a high SEMAP point category, FWHA requires all Inspectors to adopt fair and consistent practices for grading units as accurately as possible.

The unit grading criteria outlined ahead gives guidance on factors that impact unit value and so must be considered. It is not necessary for any unit to meet all of the criteria in any category for it to be so graded, but a **reasonable combination of some factors within each category**, when fairly applied, will give an accurate reflection of the value of the unit.

Not every possible factor could be listed, so it is important for inspectors to seek guidance from their Inspection Supervisor when it is needed.

Plusor minus grades may be used to more adequately **fine tune** the perceived value of the unit for rent negotiations when factors present are logically determined to fall between two differing unit grades. **C- Grades are NOT to be considered or used** (See C Grade). Similarly, **A+ Grades** are generally unnecessary as well.

In order to be considered for the Section 8 Project Based Assistance Voucher Program (PBA), units MUST meet criteria for Grade B+ at a minimum.

THE FINAL DETERMINATION OF THE UNIT GRADE SHALL BE THE RESPONSIBILITY OF THE INSPECTOR.

16.13.1 FWHA UNIT GRADING CRITERIA

16.13.1.1 A Unit

Unit/building interior, exterior and common areas are in excellent condition, newly or recently constructed or rehabbed with good quality materials and workmanship and provide an excellent thermal environment with direct heat sources in living/sleeping rooms.

Appliances and fixtures are owner supplied and are new and/or of good quality. Tenant supplied appliances will not affect grade if owner supplied were offered and declined in favor of the tenant's own.

Flooring is in excellent condition at move in.

Unit has sufficient cabinets and closets and/or common area storage in an accessible basement or attic.

There are no existing asbestos or lead based paint hazards and there is proactive maintenance if either material is present.

Electrical system and number of outlets per room demotes the need to use extension cords.

Fire exits meet current standards (full door and stairway) and are properly maintained. Smoke detectors are hard wired with battery back-up.

Good roof water management prevents icing of stairways and prevents interior air quality issues relating to moisture and/or mold.

There are no structural issues within the building or porches, and stairs, walkways, drive and parking areas are free of trip hazards.

Has numerous extra amenities that clearly add to the desirability of the unit such as:

9 Off-street or designated parking

- 9 Additional bathrooms
- 9 Large or additional rooms
- 9 Washer/dryer hook up or laundry facility
- 9 Enclosed porch or patio/deck
- 9 Tenant access to pool, gym or other amenity 9 Modern and efficient climate control
- 9 On-site maintenance / security personnel or device 9 Has been adapted for persons with disabilities

Obvious on-going maintenance of the unit and building as well as good tenant selection practices by the owner or management.

No evident site and/or neighborhood conditions that could adversely impact the tenant considering family composition.

In general, required work is completed most often with one but not more than two reinspections, considerate of seasonal repairs and/or weather. Owner is responsive to inspection comment items. Trash containment and pick up as well as snow removal is provided as needed. **A- Grade** may be considered for fine tuning the unit value for rent negotiations. **A+ Grade** is generally unnecessary.

16.13.1.2 B UNIT

Unit/building is in good condition. Appliances, fixtures and other features are modern and fully functional.

Recent renovation including interior, exterior and common area spaces with average quality materials does not substantially increase the overall value of the unit or building.

Overall condition of the unit/building is above average and provides a better than average thermal environment (windows, direct heat sources in each living/sleeping room). If indirect heat sources are utilized, the owner is receptive to utilizing options such as louvered doors and/or ceiling fans if needed.

Electrical system and number of outlets may preexist current standards but are adequate to demote the use of extension cords.

Fire exits and smoke detectors may preexist current standards but are well maintained and are functional to meet the needs of the occupants considerate of the family composition.

Any asbestos and/or lead based paint is proactively maintained.

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Unit/building is free of evidence of excess moisture, mold and/or interior air quality issues. (Older homes with stone/brick foundations may exhibit some limited water penetration in the basement at times.)

Has at least one extra feature that adds to desirability (porch, yard, security system, near recreational area or other facility, extra large rooms, adequate closets and/or storage).

Could otherwise be an A unit except for the quality of renovation work and/or the need for more aggressive preventive maintenance by the owner. Perhaps would be an A unit if the appliances or utilities were owner supplied.

Site conditions are adequate but some neighborhood conditions may exist but do not pose an imminent risk to the tenant/family.

Owner may or may not occupy the property but posts emergency contact and is responsive. Services such as trash pick up and snow removal is adequate.

B units are of above-average quality and are generally well maintained. (Example: Could be a **C+** unit that has been adapted for a person with disabilities.) Often two or sometimes three re-inspections are required to complete required repairs, but rent withholds for inspection non-compliance are not routine. **B+ or B- Grades** may be used to more adequately fine tune the perceived value of the unit for rent negotiation.

B+ Grade: May be used when a reasonable combination of B factors and A Grade extra amenities are present. **At minimum, this grade must be met for consideration for HCVP Project Based assistance.**

16.13.1.3 C UNIT

Unit is in average condition, but with normal wear and tear, two or more HQS fail items will likely occur within the inspection pass date and the next annual inspection.

Appliances and unit features are dated but functional.

The electrical system is adequate but lacking sufficient outlets to demote the use of extension cords.

Fire exits and smoke detector systems are adequate and functional considerate of the family composition.

Maintenance appears to be performed on an as-needed basis with little or no evidence of preventive maintenance. Tenant selection and screening may be minimal. The unit may not be well prepared between tenants.

The thermal environment is average or somewhat below average with old windows and/or older, less efficient heating system likely to result in higher utility costs.

If present, asbestos and/or lead based paint is not proactively maintained but owner will cooperate if required.

The condition of porches, stairs and walkways may show signs of age and may require repairs.

Common areas are often lacking sufficient lighting and cleaning.

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Trash containers may be lacking and the basement may contain excess debris and some old appliances that need to be discarded.

The possibility of pest infestation exists.

Gutters/downspouts may be lacking, damaged or missing and the roof may be nearing the end of its service life.

Site and neighborhood conditions exist but do not directly impact the tenant/family and the owner is willing to or has taken preventive safety measures.

While some **C Grade** units appear sparse but solid, some others may appear to have once been beautiful apartments. In a lower end **C unit** the effects of tenant wear and tear are evident. It is likely that three or more re-inspections may be required and rent withholds are not uncommon. A **C unit grade** represents a solid average rental unit. **C+ Grades may be used** to fine tune the unit value for rent negotiations, but **C- Grades may not be used** as they are too prone to subjective compromises and frequently become a **D Grade**

before the next annual inspection. **Inspectors must give guidance to achieving at minimum a C Grade.**

16.13.1.4 D UNIT

Unit is in unsatisfactory condition and in need of renovation to be considered safe, decent and sanitary for lease to the program.

Major building systems (roof, siding, plumbing, electrical, heat, etc) are at the end of their service life and/or are suspect.

Little or no ongoing maintenance of the property by the owner and multiple layers of poor quality repairs exist.

Structural problems are apparent or progressing in the building or porches such as bowing, excess settlement or leaning, and/or masonry failure

Air quality issues relating to lack of maintenance of lead based paint, unkeyed or failing plaster, asbestos or excess moisture and mold.

Poor quality rehab, crossed utilities, questionable fire exits or other evidence of unprofessional rearrangement of the building.

A poor quality thermal environment that will generate high utility costs to the tenant such as drafty old windows or poorly fit replacements, holes or rot in the exterior siding.

Site and neighborhood conditions that present a risk to the tenant considering the family composition such as a lack of security, unsecured abandoned buildings, history or evidence of high crime, drug or gang activity, bullet holes and vagrants in the building.

Deteriorated outbuildings, excessive amounts of debris in basement or on grounds and fire hazards.

Owner-supplied utilities or water may have been shut off to the detriment of the tenants. (If possible, ask other occupants)

Conditions that will likely result in a fail condition within the next ninety days that will ultimately affect the agency audit fail rate and create increased costs due to excess re-inspections.

• D Grade units represent a lack of value to the client, agency and taxpayer. **FWHA does not authorize leasing of units that merit this grade.** Owners are often

uncooperative, and terminations often result putting the client under pressure to relocate. Rent requests often far exceed the value of the unit.

Inspection staff should give the owner clear guidance on what repairs are required for the building/unit to meet a grade C or better. It is important that this be done as politely and professionally as possible. Increased unit value may cover the cost of repairs over time. The goal is to help the owner maintain the value of the property, stabilize the tax base and maintain viable affordable housing resources.

16.14 Marginal Unit Policy

16.14.1 Responding to the Problems of Marginal Units

HUD defines marginal units to be those that are likely to fall below HQS within a year. FWHA and its Inspectors recognize the problem of maintaining marginal units on the Section 8 Program. Frequently, an inspector will return to a unit and note the same condition of one or more aspects of the unit that do not cause a fail condition outright, but clearly pose the likelihood of deterioration or where a fail condition could easily occur prior to the next annual inspection. Often, repairs are made, but are themselves marginal. Failure to maintain compliance may be due to inadequate attention on the part of the owner or management agent, excess or undue wear and tear on the part of the tenant, and/or the impact of neighborhood conditions.

Tackling the problem of marginal units is difficult for several reasons. A tight housing market limits the number of units available to Section 8 tenants. Imposing more stringent inspection standards may result in owners refusing to participate making it very difficult for tenants to find housing even when available.

The following outline defines a concrete strategy to deal with issues around marginal units and identify the specific factors that contribute to these conditions. The goal of this policy is to eliminate units that only barely meet HUD's Housing Quality Standards and FWHA HQS Inspection Addendum. These are units that remain undesirable because of how quickly they are likely to fall out of compliance.

16.14.2 Identifying Marginal Units

This procedure must be utilized by all Inspectors when the unit clearly poses the likelihood of falling out of compliance in a short period of time and/or earns a poor grade. The checklist FACTORS WHICH CONTRIBUTE TO MARGINAL UNIT CONDITIONS (Attachment 16-G) identifies a combination of conditions that shall be used to identify and designate a unit as marginal. These conditions are due to poor owner management and/or maintenance that must be improved by the owner. Each RAA shall add to the checklist whenever necessary to address specific conditions not listed. The

FWHA must also notify owners of the 2 additional required inspections that will be performed no more than 3 months apart. The consequences of repeated and regular noncompliance will be contract termination.

16.14.2.1 Steps to Follow

Annual or Audit Inspection:

PASS - even though the unit passes inspection it may still be determined marginal. If so, complete and send to the owner and tenant "Factors Which Contribute to Marginal Unit Conditions" (Marginal Checklist). The tenant must be given a moving packet and counseled regarding relocation at this time. See Step 3 to proceed.

FAIL - owner is given the usual 30-day opportunity to correct. The quality and extent of improvement is unknown until reinspection.

Annual or Audit Reinspection:

The reinspection must take place no more than 30 days after the Annual or Audit Inspection. Once the unit has passed the reinspection yet is determined to be marginal, complete and send to the owner and tenant "Factors Which Contribute to Marginal Unit Condition". The tenant must be given a moving packet and counseled regarding relocation at this time.

1 st Marginal Unit Inspection:

This inspection must be scheduled no more than 3 months after the Annual or Audit reinspection has passed. Use the regular Inspection Checklist along with the Marginal Checklist. Indicate on the Marginal Checklist the inspection results in the space provided at the bottom. Note any improvements under comments on the Marginal Checklist. If no change - indicate no change.

1 st Marginal Unit Reinspection:

The reinspection must take place no more than 30 days after the first Marginal Unit inspection. Indicate the inspection results in the space provided at the bottom. Note any improvements under comments on the Marginal Checklist. If no change - 1 st Marginal Unit Inspection. Use the regular Inspection to indicate no change. The FWHA has the discretion to schedule the reinspection sooner, 10 or 15 days for example.

2nd Marginal Unit Inspection:

This inspection must be scheduled no more than 3 months after the 1 st Marginal Unit Reinspection has passed. Use the regular Inspection Checklist along with the Marginal Checklist. Indicate the inspection results in the space provided at the bottom. Note any

improvements under comments on the Marginal Checklist. If no change - indicate no change.

Finally, after the second Marginal Unit Inspection is complete, the FWHA must assure a review by a designated staff member.

If the two additional inspections have **FAILED** with no change in marginal unit conditions and the owner has failed to respond or take action to the satisfaction of the FWHA, the subsidy contract must be terminated with no follow-up reinspection.

However, if an owner can show good cause for failure to correct, termination at this time may be too extreme a result. An owner should not be unfairly penalized where violations are attributable to an abusive tenant and the owner can demonstrate efforts to work with the tenant. Units that show marked improvement, evidence of a more prompt management pattern, or where the owner submits a documented long-term improvement plan, further follow-up inspections may be allowed.

16.15 Conducting an Initial Inspection While the Unit is Still Occupied

Sometimes it is just not possible or practical to wait until a unit is vacant to perform an inspection. In this instance, which is left to the judgment of the Inspectors, FWHA will permit occupied units to be inspected. The following conditions must be met:

Since the tenant in occupancy may have no affiliation with the Section 8 program, it is recommended that the owner/management agent be present during the inspection.

In order to begin a lease, a complete inspection must be performed. In accordance with HUD's HQS, all checklist items must be confirmed as pass. No lease can begin on a contingency basis. Under limited circumstances HUD has approved an Inconclusive rating for specific items as outlined in Section III

If the occupants' possessions prevent a complete inspection, inaccessible areas must be rated "fail". It is the owner's responsibility to assure that all areas are accessible in order to complete the inspection.

If necessary, a reinspection may be performed while the unit is still occupied. If the unit passes the reinspection, a lease may begin as soon as possible. Bear in mind this will depend on the tenant's ability to take occupancy.

Once a lease has begun or the unit has become vacant a complete inspection must be performed again in no more than 30 days in order to confirm that the previous tenant left the unit without

damage which would cause the unit to fail and to review any conditions the tenant may have concerns about.

• **16.16 Waivers**

The WAIVER REQUEST FORM (Attachment 16-H) must be used to request a waiver of any HQS or FWHA Inspection Requirement.

FWHA **cannot** waive any of HUD's Housing Quality Standards; however, FWHA will review any request for such waiver and when appropriate FWHA will seek HUD permission to waive certain requirements, in order to facilitate a lease-up that would not compromise the health or safety of the occupants. These waiver requests **must** be made through FWHA.

FWHA **can** waive its own FWHA HQS Inspection Addendum. Waiver requests should be forwarded to FWHA's Housing Inspection Coordinator. As a general rule, FWHA will not readily provide waivers to its HQS Inspection Addendum, unless a compelling case can be argued in favor of granting such a waiver.

It is mandatory that both the owner and the tenant sign the Waiver Request acknowledging that approval of the waiver request does not in any way negate the owner's responsibility under the law and that in all circumstances it is the owner's responsibility to maintain the property to meet all applicable state and local Codes and not to interfere with a tenant's right to request an inspection by the local Code Enforcement Agency.

Waiver Requests must be approved and signed by the FWHA Inspection Supervisor or the Executive Director prior to submission to FWHA. Although the circumstances of owners and tenants often determine approval or disapproval of a waiver request, it is not up to owners and tenants to decide when the request for a waiver from FWHA is warranted. The Inspection Supervisor or Executive Director must concur that a request for a waiver is warranted and beneficial for the family.

16.17 Audits

Three percent (7%) of all units under lease are audited each year. FWHA's Inspection Coordinator conducts audits and also requires each RAA to perform internal audits of units each quarter. FWHA includes an RAA's internal audit inspections as counting toward its 3% annual audit goal. The results are used to determine which Inspectors need additional training, and when necessary which Inspectors must be sanctioned for failure to improve in this area of program operation.

Audits are selected either from units recently brought onto the program or from units recently reinspected and passed inspection. Along with individual unit audit inspections,

FWHA recommends regular "windshield tours" whereby individual unit selections can be made based on a preliminary viewing of building exterior, common areas and neighborhood conditions. FWHA fixes the number of unit audits that must be performed and the FWHA Inspection Coordinator may increase or decrease the required number for any INSPECTOR based on the previous year's performance. FWHA unit audits must be conducted in the same manner and format as a FWHA unit audit.

To select units for the audit inspection each HQS INSPECTOR must submit a complete list of units that have passed inspection each quarter to the FWHA Inspection Coordinator for random selection. Tenants who remain in the same unit previously audited may be excluded for up to 2 years so as not to create an imposition to the tenant. After FWHA has made selections the RAA may select from the remaining list for in-house audits.

All audit results by both FWHA and Inspectors must be entered quarterly into the FWHA internet-based Audit Reporting System. All violations must show a designation for either "Staff Oversight" or "Maintenance Fail". Inspectors are required to enter all follow-up reinspection results as a pass or termination date for both FWHA and themselves as the inspections close out. Both quarterly and annual audit reports of results are available from the system showing both staff and maintenance fail totals as a percentage of the units audited. The system also allows results to be generated for individual inspectors. Unit grades are required to be entered so that the quality of the housing stock participating in the program can be monitored.

All Inspectors are required to furnish the following information for all selected audit inspections:

The inspection checklist filled out with both tenant and owner information and address including zip code.

A copy of the previous inspectors report and identity.

The type of lead paint documentation and date issued if applicable.

The current family composition of record.

The specific program designation.

The inspection checklist and attendant correspondence must be maintained separately in an audit file.

The RAA must report its results on the FWHA Quarterly Management Report.

As with FWHA Inspection Audits, internal audits must be reviewed with staff inspectors and analyzed in order to determine areas of weakness, need for additional training or other administrative action.

All fail items must be categorized as "Staff Oversight" or "Maintenance Fail". (The numbers of fails due to staff oversight are the primary measure of an inspector's effectiveness.)

Overall and individual "S" and "M" failure rates are calculated within the audit reporting system.

Whenever poor audit results are a trend, the number of audit inspections must be increased.

Any comments disputing FWHA audit determinations should be submitted in writing within 7 days prior to the completion of the Quarter.

16.18 Sanctions

HUD reserves the right to impose administrative fee sanctions on any HQS INSPECTOR which receives greater than 20% audit failure rate on HUD audits. If HUD sanctions any FWHA HQS INSPECTOR, FWHA will withhold the designated amount of money from the HQS INSPECTOR, and will use the money to satisfy the HUD sanction. FWHA also reserves the right to impose administrative fee sanctions on any RAA maintaining consistently poor FWHA unit audit results (that is greater than 25% unit audit failure); that fails to follow the required inspection format established by FWHA; that consistently fails to respond to FWHA audit findings in a timely manner; or that fails to maintain current data in FWHA's Audit Reporting System. FWHA will provide prior notice to any HQS INSPECTOR being considered for FWHA-imposed sanctions, and will provide a prescribed period of time in which the HQS INSPECTOR can demonstrate improved performance.

16.19 Training

The FWHA Inspection Coordinator performs training programs throughout the year. These sessions will focus on those areas that the FWHA inspection audit results indicate additional follow-up is required as well as provide more advanced inspection training in significant areas of housing quality standards. Additionally, FWHA may request that the RAA inspector who performed the original (re)inspection of an audited unit, accompany FWHA during the audit. This time may be used to do one-on-one training, answer questions, and discuss issues. Periodically, FWHA may invite HUD staff to participate in training sessions in order to provide a HUD perspective and methodology.

FWHA will make an effort to be available upon request to train new RAA inspectors as they come on board. However, if the FWHA Inspection Supervisor is unavailable, it is the RAA's responsibility to train new inspection staff before they may do inspections on their own and it is the responsibility of each RAA to ensure that all new inspectors complete the required HUD Visual Assessment Training for Lead Based Paint.

16.20 Additions and Amendments

Additional FWHA Inspection Requirements, HUD's Housing Quality Standards, and amendments to this plan may be added from time to time. Further, modifications to existing FWHA Housing Quality Requirements may be made from time to time. Any additional unusual circumstances should be referred to FWHA in order that FWHA make the most reasonable determination on how to resolve such matters.

16-A 16-B 16-C 16-D 16-E 16-F 16-G 16-H

16.21 List of Attachments

Inspection Checklist (2 pages)

Sample Letter of Full Deleading Compliance

Inspection Form Addendum for 24 Hour Notice (Owner Notification) Inspection Form Addendum for Tenant-Caused Violations (Tenant Notification) Letter to Owner With Notice of Tenant-Caused Violations

(Reserved)

Marginal Unit Checklist (2 pages)

Waiver Request Form

FWHA Section 8 Administrative Plan 6/29/05
16-45

Attachment C

Fort Wayne Housing Authority

Administrative Plan

FSS Action Plan

PURPOSE AND OBJECTIVES:

The purpose of the Family Self-Sufficiency (FSS) Program is to match Housing Choice Voucher and Public Housing families with the public and private resources, which will best meet their needs for self-sufficiency. The FSS Program focuses on increasing opportunities for furthering education and job training, identifying and linking participants with social service assistance and/or supportive counseling programs as needed. While receiving housing assistance and with the assistance of an FSS Coordinator, participants set goals and objectives to decrease their reliance on public funds and increase their self-sufficiency. Since housing assistance relieves one burden placed on our families, they can focus on pursuing and obtaining employment, increasing their educational attainment level, increasing business skills, and improving social skills. Concentrating solely on these skills helps our participants more rapidly achieve economic self-sufficiency.

FAMILY DEMOGRAPHIC & ESTIMATE OF PARTICIPATING FAMILIES:

The FSS Program expects to assist an estimated three hundred (300) Housing Choice Voucher families and an estimated twenty-five (25) Public Housing families.

Characteristics of available families are:

Section 8		Public Housing	
African-American	70%	African-American	40%
Caucasian	29%	Caucasian	57%
Hispanic	1%	Hispanic	1%
Asian	0%	Asian	2%

ELIGIBLE FAMILIES FROM OTHER SELF-SUFFICIENCY PROGRAMS:

The Fort Wayne Housing Authority (FWHA) currently has an agreement to supply five (5) vouchers for Supplemental Assistance to Facilities Assisting the Homeless (SAFAH), a local non-profit supported Self-Sufficiency service provider. SAFAH is an intensive aid program designed to assist homeless people to make the transition from homelessness to fully employed and adequately housed. Participants in similar programs, such as Project Self-Sufficiency, Operation Bootstrap and IMPACT Job Training, are also encouraged to apply to the Fort Wayne Housing Authority FSS program.

FSS FAMILY SELECTION PROCEDURES:

Public Housing FSS program will select participants from the current residents of all public housing sites. The Housing Choice Voucher FSS program will select participants

from currently leased-up voucher holders, that have submitted a pre-enrollment application, attended the mandatory FSS orientation and is consider in good standings with FWHA. FWHA does not select FSS participants directly from either the Public Housing or Housing Choice Voucher waiting lists. Pre-enrollment applications will be dated stamped and processed on a "first come, first served" basis.

Participation in the FSS program is voluntary. FWHA will accept a participant who successfully completes a pre-enrollment application; attend a mandatory FSS orientation into the FSS program regardless of race, color, religion, sex, handicap, familial status or national origin. Only families who enter into an FSS contract of participation will be classified as enrolled into the FSS

program. Former FSS participants will be eligible to re-enroll in the FSS program, as long as they are in good standings with FWHA.

INCENTIVES TO ENCOURAGE PARTICIPATION:

The FWHA has established and is currently administrating separate Housing Choice Voucher and Public Housing – Escrow Accounts in full accordance with HUD regulations. FWHA will work with the local community agencies, organizations, and businesses to offer incentives to encourage participation in the FSS program.

OUTREACH EFFORTS:

- A. An FSS informational flier will be mailed to all current participants of the Public Housing and Housing Choice Voucher programs, informing them of the availability of the FSS program and its potential benefits for their family;
- B. The Housing Choice Voucher FSS Coordinators will make presentations to residents attending Briefings and Transfer meetings at the Housing Authority and at IMPACT orientations. Presentations will also be provided to various other local social service providers upon request;
- C. The Public Housing FSS Coordinator will make presentations to residents attending orientation briefings;

- D. Brochures about the Public Housing FSS program will be placed in informational folders and given to newly leased participants and at annual re-certifications, the Site Managers will present each resident with a new brochure;
- E. The Public Housing FSS Coordinator will make semi-annual presentations at each Public Housing site for current residents and will meet, when possible, with applicants as they move through the application process;
- F. Articles in local newspapers, including ethnic newspapers, about success stories will be solicited in addition to appearing on local community affairs radio shows, and;
- G. Local television stations and the Public Access Television station will be utilized to market FSS for resident recruitment and Community Involvement by local service providers, business organizations, employers, local government, and others whom may assist residents to achieve self-sufficiency by becoming economically independent.

FSS ACTIVITIES AND SUPPORTIVE SERVICES:

- 1. **Job Placement and Career Counseling opportunities include:**
Job Works, Employment and Training Service; Private Industry Council; Fort Wayne Urban League, Express Personnel, Staff Mark, and Goodwill Industries;
- 2. **Education and Training opportunities include:**
GED, 1 year certificate, 2 year Associate, 4 year Bachelor, specialized technical classes and various job training opportunities through Fort Wayne Community Schools Adult

Continuing Education Department, Three Rivers Literacy Alliance, Indiana-Purdue University, Taylor University, Ivy Tech State College, and other area educational institutions;

3. Child Care opportunities include:

Childcare voucher through C.A.N.I., Paths to Quality through Early Childhood Alliance, and private sector day-care facilities will be targeted as primary providers. Other individual sources will be utilized as necessary;

4. Transportation opportunities include:

Assistance may be provided via bus vouchers issued by IMPACT, and FWHA staff for service programs in which the family is participating;

5. Employment opportunities include:

Local community employers' will be targeted as primary resources, and potential partnerships;

6. Housing opportunities include:

All participants will continue to receive housing assistance through the Fort Wayne Housing Authority Public Housing or Housing Choice Voucher programs, as long as participants meets all HUD regulations.

7. Homeownership Training opportunities include:

Training will be provided by the FWHA through its Housing Counseling Office, Neighbor Works, or a source selected by the participants, as long as the organization meets HUD approval.

8. Home Skills Counseling opportunities include:

Quarterly workshops will be formulated by PCC members and/or FSS staff, and other outside agencies to cover the following subjects:

- Budgeting, Money Management & Credit Repair;
- Household Maintenance;
- Parenting Skills;
- Dressing for Success;
- Domestic Violence – The YWCA and the Center for Non-Violence have support groups for single parents on a variety of topics. FSS participants will be encouraged to participate when it is appropriate;
- Preventive Healthcare (medical & dental) – Nutrition will be available through Mathew 25 on a sliding fee scale. Medicaid will be available to the majority of participants, which will allow the participants to select their service providers; and
- Mentoring Support will be encouraged. Volunteers will be solicited form local churches and the community.

PROGRAM COORDINATING COMMITTEE (PCC):

The Program Coordinating Committee (PCC) is comprised of community leaders from the public and private sector, Fort Wayne Housing Authority personnel, Public Housing residents, Housing Choice Voucher participants, and others in the community. The PCC plays an integral part of the program, and their responsibilities will include the following:

- Assisting in the development and expansion of FSS services and training as defined in each Individual Training and Service Plan;
- Advisory group for the FSS program;

- Assisting in expanding and coordinating agreements between the PHA and potential service providers;
- Recommending improvements and provisions for delivery of services;
- Marketing the FSS program to others in the community and providing additional incentives for participation;
- Holding regular meetings to review and update its goals;
- Participating in the determination of program extensions of participating families;
- Assisting in the annual updates to the FSS Action Plan, and
- Reviewing and approving escrow account disbursements and successful completion of the FSS families obligations;

METHOD FOR IDENTIFICATION OF FAMILY SUPPORT NEEDS:

- A. The FSS Coordinator will hold FSS orientation to explain the program and its benefits;
- B. Each family’s head of household that has submitted a pre-enrollment application, attended the mandatory FSS orientation and has been determined to be in good standings, will meet with an FSS Coordinator for preliminary planning and a needs assessment.
- C. The FSS Coordinator and the head of household will discuss the family’s needs and program goals. The Coordinator will describe the services available.
- D. The FSS Coordinator and the head of household will formulate a mutually agreed upon Individual Training and Services Plan (ITSP), that will identify final goals and all interim goals needed to successfully complete the program.
- E. Services will be matched with the agencies, businesses, and organizations listed under “FSS Activities and Supportive Services”. Other community businesses, agencies and organizations will be engaged as they become available and are needed.
- F. The FSS Coordinator will issue service referrals to each FSS family member with an ITSP.

PROGRAM TERMINATION:

A sub-committee comprised of a PCC member and FWHA FSS staff will review cases and conduct interviews with the FSS family prior to terminating a family’s contract of participation. A written decision will be sent to the FSS family within seven (7) days of the decision. FSS families may appeal a decision, in writing, addressed to the FSS Program Supervisor within thirty-days (30) of receiving notification. FSS families are eligible to re-apply to the FSS program if the initial termination was for “unsuccessful completion of their contract”. Terminated FSS families will not be eligible to re-apply if the initial termination was due to a family’s failure to comply with the conditions and terms of their rental agreement or any HUD regulations.

The five (5) most common reasons for termination from the FSS program are as follows:

- 1) Mutual consent of the parties;
- 2) Failure to fulfill obligations outlined in the Contract of Participation;
- 3) Failure to adhere to Housing Program rules (HCVP or Public Housing);
- 4) Family withdraws from the FSS program; and
- 5) An operation of law;

Terminating families from the FSS program will not in any way affect a family's right to occupancy (unless the termination is because of a failure to adhere to HUD regulations).

WITHHOLDING OF SERVICES:

Consequences of non-compliance with the contract of participation shall specify that if the FSS family fails to comply, without good cause, with the terms and conditions of the contract of participation, which includes compliance with the Public Housing lease or the Section 8 – assisted lease, the Fort Wayne Housing Authority may:

- Withhold the supportive services; and
- Terminate the family's participation in the FSS program;

GRIEVANCE PROCEDURES:

Housing Choice Voucher Program:

Informal hearing procedures will be available to all participating HCVP FSS families, in accordance to Chapter 19, Section D, of the Section 8 Administrative Plan, April 2005.

Public Housing Program:

Grievance procedures will be available to all participating Public Housing FSS families, in accordance with "Complaints, Grievances and Appeals" of the FWHA Public Housing Occupancy and Admissions Policy, April 2005.

ASSURANCE OF NON-INTERFERENCE WITH RIGHTS OF NON-PARTICIPATING FAMILIES:

Family Self-Sufficiency is currently a volunteer program. While we do advocate participation, FWHA assures that a family's decision to **NOT** participate in the FSS program will not affect the family's participation in the Housing Choice Voucher program or their Public Housing occupancy in accordance with its lease.

CERTIFICATION OF COORDINATION:

The FWHA certifies that the development of the services and activities under the FSS program have been coordinated with Job Opportunities and Basic Skills Training Program under Part F and Title IV of the Social Security Act, Project Impact, and other relevant programs.

Admissions and Continued Occupancy Policy

Public Housing

**The Housing Authority of the City of Fort Wayne, Indiana
Effective: July 1, 2007**



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Preamble

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Housing Authority of the City of Fort Wayne, Indiana hereinafter referred to as FWHA ,policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

On March 29, 2000, in the Federal Register, HUD published the final rule implementing changes to the admission and occupancy requirements for the public housing program made by the Quality Housing and Work Responsibility Act of 1998. These changes concern choice of rent, community service and self-sufficiency, admission preferences and determination of income and rent in the Public Housing and Section 8 housing assistance programs. This final rule follows a proposed rule published on April 30, 1999, and takes into consideration the public comments received on the proposed rule. The effective date of the mandated changes is April 28, 2000.

Since the mandated changes of 2000, the Department of Housing & Urban Development has issued periodic revisions and guidance. FWHA makes every attempt to ensure that its current policies reflect all subsequent rule changes. As such, periodic review and revision of the FWHA Admissions and Continued Occupancy Policy is required. The effective date of the current FWHA policy is July 1, 2006.

1.0 FAIR HOUSING

It is the policy of the FWHA 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. It is the policy of FWHA to administer public housing in accordance with applicable civil rights laws and regulations and to affirmatively further fair housing and to submit applicable equal housing opportunity certifications.

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 FWHA's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the FWHA will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the FWHA office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

FWHA will assist any family that believes they have suffered illegal discrimination by providing them with copies of the appropriate housing discrimination forms. FWHA 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.

2.0 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of FWHA housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines FWHA will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, FWHA will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations, however FWHA personnel can not ask the individual if they need and accommodation the individual with disabilities must request the accommodation. Please see Appendix A for FWHA's complete Reasonable Accommodation Policy.

3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS

FWHA will strive to provide access to people who speak languages other than English in order to assist non-English speaking families.

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4.0 FAMILY OUTREACH

FWHA will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, FWHA website , and by other suitable means.

To reach people who cannot or do not read the newspapers; FWHA will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. FWHA will also try to utilize public service announcements.

FWHA will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

5.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant. Electronic Income Verification (EIV) for anyone over the age of 18 can not be provided to anyone other than the person whose income was verified. For youth under the age of 18, only the Head of Household on the same FWHA lease as the youth can have access to that youth's EIV information. All EIV information requests must be made in writing.

6.0 REQUIRED POSTINGS

In each of its offices, FWHA will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A Statement of Policies and Procedures governing Admission and Continued Occupancy or a notice of where the policy is available.
- Notice of the status of the waiting list (opened or closed)
- Tenant Selection Policies (960.204)
- A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- Income Limits for Admission
- Current Schedule of Maintenance Charges
- Utility Allowance Schedule
- Dwelling Lease
- Grievance Procedure
- Fair Housing Poster
- Equal Opportunity in Employment Poster
- Any current FWHA Notices

7.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. An application may be mailed to a potential applicant, however, Applications will only be accepted during regular business hours at: 2013 South Anthony Blvd., Fort Wayne, Indiana

Applications are taken to compile a waiting list. Due to the demand for housing in FWHA jurisdiction, FWHA may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and FWHA will verify the information.

The completed application will be dated and time stamped upon its return to FWHA.

Persons with disabilities who require a reasonable accommodation in completing an application may call FWHA to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's pre-application, FWHA will make a preliminary determination of eligibility. FWHA will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If FWHA determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. FWHA will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. FWHA will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

8.0 ELIGIBILITY FOR ADMISSION (24 CFR 960.201)

8.1 INTRODUCTION

This Chapter defines both HUD's and the FWHA criteria for admission and denial of admission to the program. The policy of this FWHA is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The FWHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the FWHA pertaining to their eligibility.

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet FWHA screening criteria in order to be admitted to public housing.

8.2 ELIGIBILITY CRITERIA

A. Family status.

1. 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.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.
 - b. 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.
2. An **elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or

- c. One or more persons who are at least 62 years of age living with one or more live-in aides.
3. A **near-elderly family**, which is:
- a. 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;
 - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
 - c. 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.
4. A **disabled family**, which is:
- a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
- A person with disabilities:**
- 1. Means a person who:
 - i) Has a disability, as defined in 42 U. S. C. 423
 - ii) Is determined, under 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 the 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
 - iii) Has a developmental disability as defined in 42 U.S.C. 6001
 - 2. Does not exclude persons who have AIDS or conditions arising from AIDS
 - 3. Does not include a person whose disability is based solely on any drug or alcohol dependence (for low income housing eligibility purposes)
 - 4. Means "individual with handicaps", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities
5. 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.

6. A **remaining member of a tenant family**.
7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

B. Income eligibility

The Quality Work responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income (80% of median area income) once the PHA has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).

C. Citizenship/Eligibility Status

To be eligible each 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 (see 42 U.S.C. 1436a(a)).

1. Family eligibility for assistance.
 - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
 - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the non citizen rule)
 - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

1. 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.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or FWHA 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
 - b. A provision authorizing HUD or FWHA to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
 - c. 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
 - d. 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.

8.3 SUITABILITY

- A. 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. FWHA 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, FWHA 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.
- B. FWHA will consider objective and reasonable aspects of the family's background, including the following:
 1. History of meeting financial obligations, especially rent;

2. 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;
 3. 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;
 4. History of disturbing neighbors or destruction of property;
 5. 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 there from; and
 6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
- C. FWHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. FWHA will verify the information provided. Such verification may include but may not be limited to the following:
1. A credit check of the head, spouse and co-head;
 2. A rental history check of all adult family members;
 3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, FWHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
 4. A home visit. The home visit provides 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
 5. 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.

8.4 GROUNDS FOR DENIAL

FWHA 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 habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a 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;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. 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 there from;
- J. Were 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;
- K. Were 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;
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. FWHA may waive this requirement if:

1. The person demonstrates to FWHA's satisfaction that the person is no

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- longer engaging in drug-related criminal activity or abuse of alcohol;
2. Has successfully completed a supervised drug or alcohol rehabilitation program;
 3. Has otherwise been rehabilitated successfully; or
 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any FWHA staff or residents;
- N. Have a household member who has ever been evicted from public housing;
- O. Have a family household member who has been terminated under the certificate or voucher program;
- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Q. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

8.5 INFORMAL REVIEW

- A. If FWHA determines that an applicant does not meet the criteria for receiving public housing assistance, FWHA will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. FWHA will describe how to obtain the informal review.

The informal review may be conducted by any person designated by FWHA, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to FWHA's decision. FWHA must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

9.0 MANAGING THE WAITING LIST

9.1 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and minority media, made available to local service providers, and posted on FWHA's website.

9.2 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be maintained as part of the leasing file;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- C. Any contacts between FWHA and the applicant will be documented in the applicant file.

9.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within three (3) months of being offered a unit, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. FWHA must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified, the family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

9.4 PURGING THE WAITING LIST

FWHA will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom FWHA has current information, i.e. applicant's address, family composition, income category, and preferences.

9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

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

- A. The applicant requests in writing that the name be removed;
- B. The applicant's mail is returned indicating that the applicant has not updated FWHA with the required change of address information;
- C. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
- D. The applicant does not meet either the eligibility or suitability criteria for the program.

9.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with FWHA will be sent a notice of termination of the process for eligibility.

FWHA will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, FWHA will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by FWHA, in writing to the current address that FWHA has on file, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. FWHA system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, FWHA will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

FWHA will select families based on the following preferences within each bedroom size category:

- A. **Residency preference** for families who live or work in the jurisdiction of the Housing Authority of the City of Fort Wayne, Indiana. The Residency Preference will be implemented in accordance with applicable discrimination and equal opportunity requirements listed at Sec. 5.105(a). Use of the residency preference may not have the "purpose or effect" of delaying or otherwise denying admission to a project or unit based on the race, color, ethnic origin, gender, religion, disability or age of any member of an applicant family.
- B. **Mixed income preference** for families with incomes needed to achieve deconcentration of poverty and income-mixing goals.
- C. **Veteran preference**: within the state law definition and veterans or surviving spouses of veterans.
- D. **Working preference (24 CFR 5.415)** for families with at least one adult who is employed and has been employed for 12 consecutive months. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work. This includes families who are graduates of or participants in educational and training programs designed to prepare the individual for the job market. The working family preference is not based on the amount of earned income.
- E. **Graduates of transitional housing programs** for homeless/ substance abusers/ victims of domestic abuse
- F. **Singles Preference**: Applicants who are elderly, disabled, or displaced households of no more than two persons will be given a selection priority over all "Other Single" applicants regardless of preference status.

Other Singles denotes a one-person household in which the individual member is either elderly, disabled, or displaced by government action. Such applicants will be placed on the waiting list in accordance with their preferences, but can not be selected for assistance before any *one or two person* elderly, disabled or displaced family regardless of local preferences.

- G. **Involuntary Displacement Preference** Displaced person(s): Individuals or families displaced by government 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.
- H. **Applicants with an adult family member enrolled in an employment training program** currently working a minimum of twenty-five hours per week or attending school on a full-time basis. This preference is also extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work.

- I. **Blood lead level of 45 µg/dL or greater or if their doctor requires chelation therapy due to an elevated blood lead level in children under the age of seven.** These children and their families will be given the maximum number of points possible, thereby moving them to the top of the Fort Wayne Housing Authority Public Housing waiting list. Referral basis from the Allen County Health Department.

Based on the above preferences, all families will receive one point for each preference, except for families with children under the age of seven that have blood lead level of 45 µg/dL or greater or if their doctor requires chelation therapy due to an elevated blood lead, these families will receive 15 points. The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences. The total number of points for each family will determine the placement of the family on the public housing waiting list.

Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other single persons.

Buildings Designed for Elderly and Disabled Tenants: The Tall Oaks Apartments, Beacon Heights, North Highlands, Miami Homes have been designed to help meet the special needs of elderly and disabled tenants. In filling vacancies in these developments, priority will be given on a unit by unit basis based on the unit's special design to serve the tenant's needs and appropriate bedroom size. Families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: 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. 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. 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.

10.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of	Number of	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

5	6	10
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These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Two adults will share a bedroom unless related by blood.

In determining bedroom size, FWHA will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the opposite sex, both under the age of **three** will share a bedroom.
- B. Adults and children will not be required to share a bedroom with the exception of a child under the age of one with a single parent.
- C. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
- D. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. FWHA will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for three years or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. FWHA will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.
- E. Larger and/or smaller units may be offered to promote FWHA's deconcentration efforts.

10.3 SELECTION FROM THE WAITING LIST

FWHA shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To

insure this requirement is met we shall perform quarterly quality assurance monitoring of the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

10.4 DECONCENTRATION POLICY

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

FWHA will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

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

10.5 DECONCENTRATION INCENTIVES

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

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

10.6 OFFER OF A UNIT

When FWHA discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal.

FWHA will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact FWHA regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's

decision must be documented in the tenant file. If the family rejects the offer of the unit, FWHA will send the family a letter documenting the offer and the rejection.

10.7 REJECTION OF UNIT

If in making the offer to the family FWHA skipped over other families on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If FWHA did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

10.8 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

Prior to signing the lease all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process.

The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Authority personnel. The certification will be filed in the tenant's file.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and FWHA will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to The Total Tenant Payment or \$100.00 whichever is greater or

In exceptional situations, FWHA reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the Housing Authority.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

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11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

To determine annual income, FWHA counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, FWHA subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

11.1 INCOME

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes 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.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.
 - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - 2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
 - 3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

11.2 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. 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 or property losses;

- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
 - 1. Amounts received under training programs funded by HUD;
 - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
 - 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
 - 5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
 - 6. Temporary, nonrecurring or sporadic income (including gifts);
 - 7. 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;
 - 8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 - 9. Adoption assistance payments in excess of \$480 per adopted child;
 - 10. For family members who enrolled in certain training programs prior to 10/1/99, the

earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:

- a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.
 - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - c. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
 - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
 - c. Families who are or were, within 6 months, assisted under a State TANF program.

(While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)

12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
13. 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;
14. Amounts paid by a State agency to a family with a member who has a developmental

disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:

- a. The value of the allotment of food stamps
- b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
- c. Payments received under the Alaska Native Claims Settlement Act
- d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program
- p. Additional income exclusions provided by and funded by FWHA
- q. Amount received as a stipend by a resident who serves on the PHA governing board.
- r. Income received by residents who are census takers.

FWHA will not provide exclusions from income in addition to those already provided for by HUD.

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family member(s) who are 18 years of age or older and are able to remain employed as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% that of annual income;
 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that are equal to the total of these expenses less 3% of annual income.
- E. Child care expenses not otherwise reimbursed and to an amount not greater than the employment income received by the family member(s) who are 18 years of age or older and are able to remain employed as a result of the child care.

11.4 FAMILY DISCLOSURE OF HUD NOTICE CONCERNING FAMILY INCOME

Family must promptly furnish to the FWHA any letter from HUD concerning the amount or verification of family income. This applies to a family that resides in a dwelling unit with assistance in the public housing program, the Section 8 tenant-based programs, and the project-based Section 8, Section 202, and Section 811 programs

FWHA must:

- Verify the information received from the family;
- Make appropriate adjustments in the amount of income, TTP and tenant rent;

- Terminate, reduce, or suspend assistance, if appropriate;
- Follow program termination procedures; and,
- Provide the family with an opportunity for hearing prior to termination effective date.

With respect to families no longer in occupancy, the PHA should pursue abuses regarding excess rental assistance, such as:

- Reporting the deficiency of payments to credit bureaus, if it is practical to do so, and
- Recovery of such amounts, if they have the resources to do so.

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12.0 VERIFICATION

FWHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

12.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards, birth certificates, photo ids and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Income information for Public Housing residents will first be verified using HUD's Electronic Verification (EIV) system. If there is a discrepancy between the tenant's reported income and the EIV information then third party verification will be conducted to insure the accuracy of the EIV income data. If there is no discrepancy, then no further verification need be conducted. EIV can not verify child support payments. Child support income will be verified via the third party process.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from FWHA or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

When third party verification cannot be obtained, FWHA will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if FWHA has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, FWHA will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

12.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, FWHA will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items			
Item to Be Verified	EIV	3rd party verification	Hand-carried verification
General Eligibility Items			
Social Security Number	N/A	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	N/A	Signed certification, voter's registration card, birth etc.
Eligible immigration status	N/A	INS SAVE confirmation #	INS card
Disability	N/A	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payment
Full time student status (if >18)	N/A	Letter from school	For high school students, any document evidencing
Need for a live-in aide	N/A	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	N/A	Letter from care provider	Bills and receipts
Disability assistance expenses	N/A	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	N/A	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, receipts for fares and tolls
Value of and Income from Assets			
Savings, checking accounts	N/A	Letter from institution	Passbook, most current statements
CDS, bonds, etc.	N/A	Letter from institution	Tax return, information brochure from institution, bond

Stocks	N/A	Letter from broker or holding company	Stock or most current statement, price in newspaper or Internet
Real property	N/A	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment or income and expenses, tax return
Personal property	N/A	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	N/A	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	N/A	Original receipt and receipt at disposition, other evidence of worth
Income			
Earned income	EIV 1 st Source	Letter from employer	Multiple pay stubs
Self-employed	N/A	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	N/A	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	N/A	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	EIV 1 st Source	Letter or electronic reports from the source	Award letter, letter announcing change in amount of payments

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If FWHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, FWHA will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. FWHA will not require any individual who does not have a Social Security number to obtain a Social Security number, however FWHA is required to apply for an alternate tenant identification number assigned by HUD.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

12.5 TIMING OF VERIFICATION

Third party verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all

information related to family circumstances and level of assistance.

12.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

Income and/or asset information will be verified at least annually. Except for tenants that opt for flat rent who will have their income and assets verified every three years.

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1 FAMILY CHOICE

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method or having their rent set at the flat rent amount.

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.
- B. 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:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

13.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of ~~\$(zero)~~ not more than \$50, but never more than the ceiling rent.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

13.3 MINIMUM RENT

FWHA has set the minimum rent at not more than \$50. However if the family requests a hardship

exemption, FWHA will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - 5. When a death has occurred in the family.
- B. **No hardship.** If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. **Temporary hardship.** If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. **Long-term hardship.** If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. **Appeals.** The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

13.4 THE FLAT RENT

FWHA 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. FWHA determined the market value of the unit and set the rent at the market value. 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 anniversary date for each affected family (for more

information on flat rents, see Section 15.3).

FWHA will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

13.5 CEILING RENT

FWHA 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 anniversary date for each affected family.

FWHA will post the ceiling rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

13.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

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.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. FWHA will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, FWHA will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

- A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for FWHA. The 95th percentile is called the maximum rent.

- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

13.7 UTILITY ALLOWANCE

FWHA shall establish a utility allowance for all check-metered utilities and for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, FWHA will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The utility allowance will be subtracted from the family's formula or ceiling rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to FWHA. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

Families with high utility costs are encouraged to contact FWHA for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Requests for relief from surcharges for excess consumption of FWHA purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by FWHA on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.

13.8 PAYING RENT

Rent and other charges are due and payable on the first day of the month. Rents may be paid at the administrative office, 2013 South Anthony Blvd., Fort Wayne, Indiana or mailed to designated P.O. Box. Reasonable accommodations for this requirement will be made for persons with disabilities. As

a safety measure, no cash shall be accepted as a rent payment

If the rent is not paid by the fifth of the month, a \$10 late fee will be assessed and a \$15 additional fee will be assessed on the 15th if the account remains unpaid. A 14 day Notice to Vacate detailing current assessed charges will be issued to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$25 for processing costs.

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14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from the Community Service. An overview of the Community Service requirement is listed below and the complete FWHA Community Service Policy is found in Appendix B.

14.2 EXEMPTIONS

The following adult family members of tenant families are exempt from this requirement. The Fort Wayne Housing Authority will claim all claims for exemptions from this requirement. Exempt status will be reviewed at least annually, or upon request from resident.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity
- E. Family members receiving assistance under a State program funded under Part A, 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

14.3 NOTIFICATION OF THE REQUIREMENT

FWHA shall identify all adult family members who are apparently not exempt from the community service requirement.

FWHA shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. FWHA shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

14.4 VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

FWHA will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions.

14.5 THE PROCESS

At the first annual reexamination on or after October 1, 1999, and each annual reexamination thereafter, FWHA will do the following:

- A. Provide a listing of sample volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.

14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

FWHA will provide written notice of non-compliance to the family. Any family found to be in noncompliance will be informed of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. Reason that the family member(s) is/are believed to be in non-compliance.
- C. That the determination is subject to the grievance procedure; and
- D. That, unless the family member(s) enter into a written agreement to comply, which can only be done for the first year that Community Service is Required, the lease will not be renewed or will be terminated; or
- E. The non-compliance member(s) no longer resides in the unit.

14.7 OPPORTUNITY FOR CURE

FWHA will offer the family member(s) the opportunity to enter into an Agreement to Cure prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service FWHA shall take action to terminate the lease.

15.0 RECERTIFICATIONS

At least annually, FWHA will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

15.1 GENERAL

FWHA will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the appointment, FWHA will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

15.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in FWHA taking eviction actions against the family.

15.3 FLAT RENTS

The annual letter to flat rent payers regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- E. 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:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which FWHA expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, FWHA will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, FWHA may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with FWHA representative, they may make the selection on the form and return the form to FWHA. In such case, FWHA will cancel the appointment.

15.4 THE FORMULA METHOD

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, FWHA will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the **highest of:**

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$ Zero but never more than the ceiling rent.

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

15.6 INTERIM REEXAMINATIONS

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families will not be required to report any increase in income or decreases in allowable expenses between annual reexaminations.

Families are required to report the following changes to FWHA between regular reexaminations. If

the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

A. A member has been added to the family through birth or adoption or court-awarded custody.

B. A household member is leaving or has left the family unit.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. FWHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.8.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, FWHA will take timely action to process the interim reexamination and recalculate the tenant's rent.

15.7 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, FWHA may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

15.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

16.0 UNIT TRANSFERS

16.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting FWHA's deconcentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

16.2 CATEGORIES OF TRANSFERS

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family, which needs needing accessible features, to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain FWHA occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by FWHA when a transfer is the only or best way of solving a serious problem.

16.3 DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

16.4 INCENTIVE TRANSFERS

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a tenant for three years;
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- D. The family is current in the payment of all charges owed FWHA and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.
- G. Participates in a series of classes conducted by FWHA on basic home and yard care.

16.5 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category A and B will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category A will be housed ahead of transfers in category B.

Transfers in category C will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the

time of lease execution.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of FWHA and the family rejects two offers without good cause, FWHA will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet FWHA's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

16.6 COST OF THE FAMILY'S MOVE

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by FWHA in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by FWHA has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case

basis.

16.7 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with FWHA. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

16.8 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, FWHA may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. FWHA will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

FWHA will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

16.9 RIGHT OF FWHA IN TRANSFER POLICY

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

17.0 INSPECTIONS

An authorized representative of FWHA and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in FWHA file and a copy given to the family member. An authorized FWHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any FWHA damages to the unit.

17.1 MOVE-IN INSPECTIONS

FWHA and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

17.2 ANNUAL INSPECTIONS

FWHA will inspect each public housing unit annually to ensure that each unit meets FWHA's housing standards. Work orders will be submitted and completed to correct any deficiencies.

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

~~This is~~ Preventative maintenance inspections are generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

17.4 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by FWHA.

17.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, FWHA will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

17.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections FWHA will give the tenant at least two (2) days written notice.

17.7 EMERGENCY INSPECTIONS

If any employee and/or agent of FWHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

17.8 PRE-MOVE-OUT INSPECTIONS

When a tenant gives notice that they intend to move, FWHA will offer to schedule a pre-move-out inspection with the family. The inspection allows FWHA to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling FWHA to ready units more quickly for the future occupants. If the family is transferring to another PHA subsidy program (i.e. Section 8 Existing Program), the family must pay **all charges** noted on the pre-move out inspection form before FWHA issues a Certificate/Voucher or other form of assistance. If the family disputes the validity of the pre-move out charges the family has the right to use the grievance procedure or if ~~if~~ the transfer to the other program is denied as a result of outstanding charges (see 16.8), the denial letter will advise the family of their right to use the grievance procedure.

17.9 MOVE-OUT INSPECTIONS

FWHA conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

18.0 PET POLICY

18.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

18.2 PETS IN SENIOR DESIGNED BUILDINGS

FWHA will not allow for pet ownership in projects or buildings designed designated for use by elderly and/or disabled families and in any project or building for which elderly and/or disabled families are given preference.

18.3 APPROVAL

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Authority will approve the request.

18.4 TYPES AND NUMBER OF PETS

FWHA will allow only domesticated dogs, cats, birds, and fish in aquariums in units. All dogs and cats must be neutered.

Only one (1) pet per unit allowed with the exclusion of small fish appropriate to the size aquarium and domestic small birds encaged.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed thirty (30) pounds in weight.

18.5 INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances.

18.6 PET DEPOSIT

A pet deposit of **\$200** is required at the time of registering a pet. The deposit is refundable when the pet or the family vacates the unit, less any amounts owed due to damage beyond normal wear and tear.

18.7 FINANCIAL OBLIGATION OF RESIDENTS

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and FWHA reserves the right to exterminate and charge the resident.

18.8 NUISANCE OR THREAT TO HEALTH OR SAFETY

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Repeated substantiated complaints by neighbors or FWHA personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or move him/herself.

18.9 DESIGNATION OF PET AREAS

Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the projects. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

18.10 VISITING PETS

Pets that meet the size and type criteria outlined above may visit the projects/buildings where pets are allowed for up to two weeks without FWHA approval. Tenants who have visiting pets must abide by the conditions of this policy regarding health, sanitation, nuisances, and peaceful enjoyment of others. If visiting pets violate this policy or cause the tenant to violate the lease, the tenant will be required to remove the visiting pet.

18.11 REMOVAL OF PETS

FWHA, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

19.0 REPAYMENT AGREEMENTS

When a resident owes FWHA back charges and is unable to pay the balance by the due date, the resident may request that FWHA allow them to enter into a Repayment Agreement. FWHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures. Persons entering into a repayment agreement will be referred to the FWHA Housing Counselor, however it is not a requirement of the Repayment Agreement that the tenant work with the Housing Counselor.

The maximum amount for which the HA will enter into a payment agreement with a family is \$2,500.00

The maximum length of time the HA will enter into a payment agreement with a family is 12 months.

The minimum monthly amount of monthly payment for any payment agreement is 1/12 of the maximum amount owed.

The HA will use a sliding scale system to determine the monthly payment.

Program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in an inaccurate payment of public housing program funds.

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

If a family owes an amount which equals or exceeds \$10,000.00, as a result of program fraud, the case will be referred to the HUD' legal forces, who will determine whether it is forwarded to the Inspector General. Where appropriate, the HA will refer the case for criminal prosecution.

The procedures for administering the repayment agreements will be consistent with the applicable provisions of the Section 8 Administrative Plan.

20.0 TERMINATION

20.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

20.2 TERMINATION BY THE HOUSING AUTHORITY

FWHA after 10/1/2000 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

FWHA will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of FWHA;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- M. Other good cause.

FWHA will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

20.3 ABANDONMENT

ABANDONMENT AND ABANDONED PROPERTY

The Fort Wayne Housing Authority will consider a unit to be abandoned if:

- A. The tenant has failed to pay or failed to offer to pay rent due under their rental agreement; and,
- B. If the Resident and all household members are absent from the premises for seven (7) consecutive days during the Lease term or any renewal or extension period; and,
- C. Preliminary, exterior inspection by Management reveals the unit does not appear to be occupied; and,
- D. One or more utilities have been terminated.

After a preliminary determination of abandonment has been made, Management will attach **Notice of Entry** to the door of said apartment. If there is no response to this Notice of Entry, **after forty-eight (48) hours**, Management will enter and inspect the unit. If it is determined that all or most of the Resident's property has been removed, Management will take possession of the apartment, provided that the rent still remains unpaid or utilities have been terminated.

A move-out inspection will be conducted and charges assessed for any rehabilitation costs for items determined to be over and above normal wear and tear.

SALE OF PROPERTY

Any possessions left in tenant's abandoned apartment will be removed and stored by Management, at the expense of the Resident. There shall be no sale or disposition of any of the foregoing property, except as pursuant to state law as follows:

1. Any sale of Resident's abandoned property under shall take place only after a thirty (30) day written notice before the date of the sale is sent first class certified mail and return receipt requested to Resident at Resident's last known address.

Included in the notice:

- a. Date, time, and place of the sale
 - b. Itemized account of the amount owed by the resident to the landlord
 - c. Name, address, and telephone number of the person the resident may contact regarding the sale, the amount owed, and the right of the resident to redeem the property
2. Sale will be public and subject to any recorded chattel mortgage or financing statement.

3. Sale shall be to the highest cash bidder
4. Proceeds shall first be credited to cost of sale and then to indebtedness; and surplus shall be mailed to the Resident at his/her forwarding or last known address not later than the 30th day after the date of the sale. The landlord shall provide the resident with an accounting of all proceeds of the sale not later than the 30th day after the date on which the resident makes a written request for the accounting.
5. The resident may redeem the property at any time before the property is sold by paying to the landlord or the landlord's agent all delinquent rents and, if authorized in the written lease, all reasonable packing, moving, storage, and sale costs.
6. Nothing in this policy shall limit Management office of the landlord/agent/PHA's right to immediately dispose of trash or other property appearing to have no sale value.
7. Pet removal will be pursuant to the Pet Policy.

20.4 RETURN OF SECURITY DEPOSIT

After a family moves out, FWHA will return the security deposit within 30 days in accordance with State law or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

FWHA will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 days as required by State law) days.

21.0 PUBLIC HOUSING ECONOMIC SELF-SUFFICIENCY PROGRAM

21.1 Definition of economic self-sufficiency program

An “**economic self-sufficiency program**” is:

- Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families.

Economic self-sufficiency programs can include:

- job training
- employment counseling
- work placement, basic skills training
- education
- English proficiency
- Workfare
- financial or household management
- apprenticeship
- any other program necessary to ready a participant to work, such as:
 - substance abuse
 - mental health treatment

As defined in this rule, “economic self-sufficiency program” includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). See the definition of work activities at Sec. 5.603(c).

The new definition of the term “economic self-sufficiency program” is used in the following regulatory provisions, pursuant to the Public Housing Reform Act:

- Family income includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program.
- The requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities.

21.2 FWHA Economic Self Sufficiency Program Plan

The program requirements and procedures are detailed in a separate FWHA Economic Self-Sufficiency Action Plan. Currently FWHA has a voluntary Economic Self-Sufficiency Program of 25 program slots.

GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

Asset Income: Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

Certification: The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, 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 charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

Decent, Safe, and Sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: 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 (24 CFR 5.611(a)(3)(ii)).

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of

disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person 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. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental action or a person 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. *[1937 Act]*

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic Self-Sufficiency Program: Any program designed to encourage, assist, train or facilitate the economic independence of assisted families or to provide work for such family.

Elderly Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; 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 aides. (24 CFR 5.403)

Elderly Family Allowance: For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

Elderly Person: A person who is at least 62 years of age. (1937 Housing Act)

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;

- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Family Self-Sufficiency Program (FSS Program): The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

Formula Method: A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

Full-Time Student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

Household Members: All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Imputed Income: For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

Live-In Aide: A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- A. Is determined to be essential to the care and well-being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

Low Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, and transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

Monthly Adjusted Income: One twelfth of adjusted income. (24 CFR 5.603(d))

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d))

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. (24 CFR 5.504(b))

Near-Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, 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.
- B. 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 fund shall be counted when determining annual income.

- C. In determining net family assets, housing authorities or owners, as applicable, 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 in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. 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. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Person with Disabilities: A person who:

- A. Has a disability as defined in 42 U.S. 423
- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - 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 a nature that such ability could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in 42 U.S.C. 6001

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

Public Housing Agency (FPHA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Recertification: The annual reexamination of a family's income, expenses, and composition to

determine the family's rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

Self-Declaration: A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Tenant: The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

Third-Party (verification): Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

Total Tenant Payment (TTP):

A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:

1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
 - a. 30% of the family's monthly adjusted income;
 - b. 10% of the family's monthly income; or
 - c. If the family is receiving payments for welfare assistance from a public agency

and a part of such 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 such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
 - a. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority 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. (24 CFR 5.603)

Utility Reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

Acronyms

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment

Attachment A

FWHA Reasonable Accommodations Policy

Draft

REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

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REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

INTRODUCTION

This Reasonable Accommodation Policy and Procedures comprised of **Part A and Part B**, sets forth the policy and procedures of the Housing Authority of The City of Fort Wayne (“**FWHA**”) in connection with making reasonable accommodations for qualified applicants, participants or residents with disabilities for participation in FWHA’s public housing programs and activities. A copy of this Reasonable Accommodation Policy and Procedures is posted in the FWHA Administrative Offices, the Housing Choice Voucher Office, Management Office at each public housing development, and on the FWHA website at www.fwha.org. Additionally, a copy of this Reasonable Accommodation Policy and Implementation Procedures may be obtained upon request from the FWHA Executive Office, 7315 S. Hanna Street, Fort Wayne, IN 46816 260-449-7811.

DRAFT

PART A - POLICY

SECTION 1 - DEFINITIONS

- 1.1. The term “**ADA**” shall mean the Americans with Disabilities Act.
- 1.2. The term “**FHA**” shall mean the Fair Housing Act of 1968.
- 1.3. The term “**FWHA**” shall mean the Housing Authority of The City of Fort Wayne.
- 1.4. The phrase “**individual with handicaps**” shall have the same meaning as the term “individual with disabilities” under 24 C.F.R. §8.3, as follows:

24 C.F.R. § 8.3. Definitions.....
“Individual with handicaps” means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.
- 1.5. The term “**Policy**” shall mean Part A of this Reasonable Accommodation Policy and Procedure, as adopted by the FWHA Board of Commissioners, and as may be amended.
- 1.6. The term “**Procedures**” shall mean Part B of this Reasonable Accommodation Policy and Procedure, as may be revised from time to time.
- 1.7. The term “**reasonable accommodation**” means a modification or change in FWHA’s rules, policies, practices, services, or rental units, which will provide the opportunity to participate in FWHA’s programs and services and to meet FWHA’s essential requirements of tenancy to an otherwise eligible individual with a disability.

SECTION 2 - POLICY STATEMENT

FWHA is committed to ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, benefit from, nor otherwise discriminate against individuals with disabilities in connection with, the operation of FWHA’s housing services or programs, solely on the basis of such disabilities. Therefore, if an individual with a disability requires an accommodation, such as an accessible feature or modification to FWHA policy, FWHA will provide such accommodation, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial or administrative burden. In such a case, FWHA will attempt to make another accommodation that would not result in a financial or administrative burden.

SECTION 3 - PURPOSE

This Policy is intended to:

- Communicate FWHA’s position regarding reasonable accommodations for persons with disabilities in connection with the agency’s housing programs services, and policies;
- Establish a procedural guide for implementing such Policy; and
- Comply with applicable federal, state and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by FWHA.

SECTION 4 – AUTHORITY

The requirements of this Policy are based upon the following statutes or regulations:

*THE HOUSING AUTHORITY OF THE CITY OF FORT WAYNE, INDIANA
ADMISSIONS AND OCCUPANCY POLICY
EFFECTIVE JULY 1, 2007*

- Section 504 of the Rehabilitation Act of 1973, as amended (“Section 504”) prohibits discrimination on the basis of disability status and states that:

“No qualified individual with disabilities shall, solely on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance”;
- The Fair Housing Act (“FHA”) prohibits discrimination in the sale, rental and financing of dwellings. The FHA requires reasonable accommodations in rules, policies, practices, services and reasonable modifications to dwelling units and public common areas;
- Title II of the Americans With Disabilities Act (“ADA”), prohibits discrimination on the basis of disability status by public entities. Except as provided in §35.102 (b), of 28 CFR Part 35, the ADA applies to all services, programs and activities provided or made available by public entities (State and local governments); and
- Part 8, of Code of Federal Regulations, Title 24, Housing and Urban Development, entitled Non-Discrimination Based On Handicap In Federally Assisted Programs and Activities of the Department of Housing and Urban Development applies to recipients of federal funds and implements the requirements of the Rehabilitation Act.

SECTION 5 - MONITORING AND ENFORCEMENT

The FWHA Executive Office is responsible for monitoring FWHA’s compliance with, and enforcing the requirements under this Policy. Questions regarding this Policy, its interpretation or implementation should be made by contacting the FWHA Executive Office in writing, or in person by appointment, at 7315 S. Hanna Street, Fort Wayne, IN 46816; or by calling the 504 Coordinator at 260-449-7811. The 504 Coordinator may require the submission of data from FWHA public housing developments and field offices in order to evaluate and document FWHA’s compliance with this Policy.

SECTION 6 - GENERAL PRINCIPLES FOR PROVIDING REASONABLE ACCOMMODATIONS

Listed below are the general principles which provide a foundation for the Policy and which FWHA staff should apply when responding to requests for reasonable accommodations within all FWHA housing programs:

- 6.1 It is presumed that the individual with a disability is usually knowledgeable of the appropriate types of, and methods for providing, reasonable accommodations needed when making a request. However, FWHA reserves the right to investigate and offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.
- 6.2. The procedure for evaluation and responding to requests for a reasonable accommodation relies on a cooperative relationship between FWHA and the applicant/resident. The process is **NOT** adversarial.
- 6.3. FWHA shall inform all applicants and residents of alternative forms of communication. The Request Form is designed to assist FWHA and our applicants/residents. If an applicant/ resident does not, or can not use the Request Form, FWHA will still respond to the request for an accommodation. The applicant/resident may also request assistance with the Request Form or such applicant/resident may request that the Request Form be provided in an equally effective format or

means of communication.

Example(s): Some examples of alternative equally effective forms of communication are include the following: Qualified interpreters, printed material, telecommunications devices for deaf persons (TDD's), **Indiana Relay System**, or other aurally delivered materials available to persons with hearing impairments. Qualified readers, taped texts audio recordings, Brailed materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

- 6.4. If the accommodation is reasonable (see Procedures 3 below), FWHA will grant it.
- 6.5. In accordance with Procedure 3 (below), , FWHA will grant the request for a reasonable accommodation only to the extent that an undue financial and administrative burden is not created thereby.
- 6.6. All written documents required by or as a result of this Policy must contain plain language and, if requested, be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation.
- 6.7. Any required meetings with a person with a disability will be held in an accessible location.

SECTION 7 - AMENDMENT

- 7.1. Policy. The Policy may be amended only by resolution of the Board of Commissioners.
- 7.2. Procedures. The Procedures may be amended within the scope of the Policy by the Executive Director of FWHA.
- 7.3. Legal Compliance. Any amendment to the Policy or Procedures shall be consistent with all applicable laws and regulations.

SECTION 8 - STAFF TRAINING

504 Coordinator will ensure that staff training sessions are held at least annually concerning the Policy and the Procedures and all applicable federal, state and local requirements regarding reasonable accommodations.

PART B - PROCEDURES

PROCEDURE #1 - COMMUNICATION WITH APPLICANTS AND RESIDENTS

1. At the time of application, any applicant requesting a reasonable accommodation must be provided with the Request for Reasonable Accommodation Form (the "**Request Form**") (copy of which is affixed hereto as **Attachment 1**), or, upon the applicant's request, the Request Form must be provided in an equally effective format.
2. FWHA Residents seeking accommodations may contact the housing management office located within their housing development or the management office for their scattered site residence. Also, residents may contact the Executive office directly to request the accommodation.
3. FWHA is responsible for informing all residents that a request may be submitted for reasonable accommodations for an individual with a disability. All residents will be provided the Request Form when requesting a reasonable

accommodation. However, a resident may submit the request in writing, orally, or use another equally effective means of communication to request the accommodation. If a request is not submitted on a Request Form, the FWHA staff person receiving the request will complete and date a Request Form and forward it to the 504 Coordinator with a copy to the person making the request. Upon receiving the request, housing management and/or the 504 Coordinator will send the requestor an acknowledgement of the request, in writing or requested alternative format, within ten 10 business days¹. If additional information or documentation is required, a written request should be issued to the resident by using the Request for Information or Verification Form (“**Request for Information**”), a copy of which is affixed hereto as **Attachment 2**. A submission date should be specified in the Request for Information so as not to delay FWHA’s review of the request. FWHA representative will discuss and review potential means of making accommodations before making a decision on implementation.

4. FWHA will consent to or deny the request within twenty (20) business days after receiving all needed information and documentation from the resident or issue an alternate time limit if circumstances require additional time. If an extended time is required, FWHA will update the requestor periodically, but at no time should more than 30 business days lapse between updates, unless agreed upon in writing by both parties.

All decisions to grant or deny reasonable accommodations will be communicated in writing or if required, in an alternative format in order to communicate the decision to the applicant, participant, or resident. Exceptions to the twenty (20) business day period for notification of FWHA’s decision on the request should be provided to the resident in writing setting forth the reasons for the delay. A copy each of the **Letter Denying Request for Reasonable Accommodations** and the **Letter Approving Request for Reasonable Accommodations** are affixed hereto as **Attachment 3** and **Attachment 4**, respectively.

5. FWHA will maintain at its Housing Leasing/Admissions Office; Management Offices; and Administrative Office written materials which summarize this Policy and highlights the procedures for making a request for reasonable accommodations.

PROCEDURE #2 - SEQUENCE FOR MAKING DECISIONS

1. Is the applicant/resident a qualified “individual with a disability”?
 - (a) If **NO**, we are not obligated to make a reasonable accommodation; therefore, we may deny the request.
 - (b) If **YES**, go to Step 2.
 - (c) If more information is needed, either write for more information using the standard *Request for Information* letter, or request a meeting using the standard *Request for Meeting* letter. (A copy of the Request for Meeting letter is affixed hereto as **Attachment 5**).
2. Is the requested accommodation related to the disability?
 - (a) If **NO**, we are not obligated to make the accommodation; therefore, we may deny the request.
 - (b) If **YES**, go to step 3.
 - (c) If more information is needed, either write for more information using the *Request for Information* Letter, or request a meeting using the *Request for Meeting* Letter.
3. Is the requested accommodation reasonable? This determination will be made by following Procedure #3 - Guidelines for Determining Reasonableness.
 - (a) If **YES**, we will approve the request for reasonable accommodation. A written description of the accommodation will be prepared and included in the Letter Approving *Request for Reasonable Accommodations*.
 - (b) If **NO**, we may deny the request. Submit the denial using the Letter Denying *Request for Reasonable Accommodations*.

¹ The term “**business days**” shall mean those days of the week, excluding Saturdays, Sundays and holidays observed by FWHA

- (c) If more information is needed, either write for more information using the Letter

Approving *Request for Reasonable Accommodations*, or request a meeting using the *Request for Meeting Letter*.

PROCEDURE #3 - GUIDELINES FOR DETERMINING REASONABLENESS

1. In accordance with Policy Principle 6.1, FWHA will consider the requested method for providing reasonable accommodations for an individual with a disability. However, FWHA is required to evaluate the requested method and may require the individual with a disability to provide further information to demonstrate the need for the requested accommodation to enable access to and use of the housing program. Additionally, FWHA may offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.
2. Requests for reasonable accommodations will be considered on a case-by-case basis. Decisions regarding reasonable accommodations will be made in compliance with all applicable accessibility laws and requirements. Additionally, in those circumstances where FWHA deems that a proposed reasonable accommodation would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, FWHA has the burden of proving such result(s).
3. The responsibility for the decision that a proposed reasonable accommodation would result in such alteration or burdens shall rest with the Executive Director or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, FWHA shall propose any other action that will not result in or require an alteration or burden.
4. Live-in-Aides. In some cases, an individual with a disability may require a live-in-aide. In accordance with the provisions of the FWHA dwelling lease, FWHA may permit a live-in to reside in the dwelling unit to assist an individual with a disability. A live-in-aide means a person (a) determined by FWHA to be essential to the care and well being of a family member with a disability; (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the supportive services. A live-in-aide would not be required to share a bedroom with another member of the household [see 24 CFR 966.4(d)(3)]. Prior to granting permission, the live-in aide must submit to a criminal background check in accordance with FWHA's ACOP and Administrative Plan policies and procedures. Additionally, medical verification of the need for a live-in aide is required., and the following factors will be considered by FWHA in determining whether to approve a live-in aide:
 - (1) Whether the addition of a new occupant would create a situation of overcrowding in the dwelling unit, thereby requiring a transfer to another dwelling unit;
 - (2) The availability of an appropriate dwelling unit; and/or
 - (3) FWHA's obligation to make reasonable accommodation for persons with disabilities.
5. Verification. FWHA may verify a person's disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and that applicants who have requested a reasonable accommodation have a need for the requested accommodation. FWHA may not require applicants to provide access to confidential medical records in order to verify a disability nor may FWHA require specific details as to the disability. FWHA may require documentation of the manifestation of the disability that causes a need for a specific accommodation or accessible unit. FWHA may not ask what the specific disability is.

ATTACHMENTS TO PROCEDURES

ATTACHMENT 1 -REQUEST FOR A REASONABLE ACCOMMODATION

ATTACHMENT 2 - REQUEST FOR INFORMATION OR VERIFICATION

ATTACHMENT 3 - LETTER DENYING REQUEST FOR REASONABLE ACCOMMODATIONS

ATTACHMENT 4 - LETTER APPROVING REQUEST FOR REASONABLE ACCOMMODATIONS

ATTACHMENT 5 - REQUEST FOR MEETING

DRAFT

Fort Wayne Housing Authority
2025 S. Anthony Boulevard Fort Wayne IN 46803

REQUEST FOR A REASONABLE ACCOMMODATION

If you need:

- a change in our policies or procedures
- a repair or change in your apartment
- a change to some other part of the property
- a change in the way we communicate with you because of a disability, you may ask for this change, which is called a “reasonable accommodation.”

Requests for reasonable accommodations will be considered on a case-by-case basis. Decisions regarding reasonable accommodations will be made in compliance with all applicable accessibility laws and requirements. Additionally, in those circumstances where FWHA deems that a proposed reasonable accommodation would fundamentally alter the service, program, or activity, or would result in undue financial and administrative burdens, FWHA has the burden of proving such result.

We will make every effort to render a decision within twenty (20) business days. We will let you know if we need more information or verification from you or if we would like to discuss other ways of meeting your needs.

If we turn down your request, we will explain our decision, and you may give us additional information.

Please advise us if you need help in using the form, or if you wish to receive this Request Form in an alternative format to meet your communication needs.

Fort Wayne Housing Authority
2025 S. Anthony Boulevard Fort Wayne IN 46803

REQUEST FOR A REASONABLE ACCOMMODATION

The following member of my household has a disability:

Please provide this reasonable accommodation (specify accommodation(s)):

I need this reasonable accommodation because:

Date: _____

Name: _____

Address: _____

Telephone: _____

Signed: _____

Fort Wayne Housing Authority
2025 S. Anthony Boulevard Fort Wayne IN 46803

REQUEST FOR INFORMATION OR VERIFICATION

Date:

To:

Dear Applicant or Program Participant:

We have received your Request for a Reasonable Accommodation. We need to know more about [issue, simply and clearly stated] before we can decide.

We need to know more because [reason, simple and clearly stated].

You can give us more information by [acceptable methods of verification]. If this is a problem for you, other ways of providing the information may also be acceptable.

We will not make a decision until we have this new information.

If you think that you have given us this information, or if you think that we should not ask for this information, please call us at 260-449-7811. Please call if you have any other questions.

Fort Wayne Housing Authority
2025 S. Anthony Boulevard Fort Wayne IN 46803

DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION

Date:

To:

Dear Applicant or Resident:

You requested the following change or accommodation [describe request]. We have attached a copy of your request form. We have **denied** your request because:

You do not meet the definition of an individual with disabilities and we are not required to provide a reasonable accommodation.

We think the accommodation you requested is not reasonable because we have decided:

You do not need this accommodation in order to enjoy or participate equally in our housing.

It will create undue financial and administrative burdens for us.

It will change the fundamental nature of our program.

We have decided this because [give reasons, in clear and simple language].

We relied on these facts to deny your request [give facts, in clear and simple language].

To make this decision we [tell what documents or records we reviewed, tell which people we spoke with, describe other aspects of our investigation process].

If you disagree with our decision, you may contact the following agency:

U.S. Department of Housing and Urban Development
Office of Fair Housing & Equal Opportunity
151 North Delaware Street
12th Floor Mail Station
Indianapolis, IN 46204-2526

Phone: 1-800-765-9372
TTY: 1-800-927-9275

Signature and closing

Fort Wayne Housing Authority
2025 S. Anthony Boulevard Fort Wayne IN 46803

APPROVAL OF REQUEST FOR A REASONABLE ACCOMMODATION

Date:

To:

Dear Applicant or Program Participant:

We have approved your request for the following change or reasonable accommodation [description] :

_____ We can provide you with this accommodation by [date].

_____ To make the change you requested, we must have three bids and then arrange installation. This is why we are not able to provide you with the accommodation immediately.

_____ [other reason for delay]. Please call us at [our telephone number] if you have any questions.

If you think this change or reasonable accommodation is not what you requested, if it is not acceptable, or if you object to the amount of time it will take to provide it, you may contact the Executive Office at 260-449-7811

If FWHA fails to provide this account you may contact this agency:

U.S. Department of Housing and Urban Development
Office of Fair Housing & Equal Opportunity
151 North Delaware Street
12th Floor Mail Station
Indianapolis, IN 46204-2526
Phone: 1-800-765-9372

TTY: 1-800-927-925

[signature and closing]

Fort Wayne Housing Authority
2025 S. Anthony Boulevard Fort Wayne IN 46803

REQUEST FOR A MEETING

Date: To:

Dear Applicant or Program Participant:

We have received your request for a reasonable accommodation. It would help us make our decision if we could meet with you. You may bring someone to assist you with the meeting.

We would like to meet on [date, time, place]. If you cannot come at that time or if the meeting location is a problem, please call us at 260-449-7811.

We will talk about [describe issue, simply and clearly] at this meeting.

Please come ready to talk to us about the changes you want. Please bring copies of any information that you would like to give us.

We look forward to meeting with you.

[signature and closing]

Attachment B

FWHA Lease



FWHA PUBLIC HOUSING LEASE

1. **PARTIES AND DWELLING UNIT:** The parties to this Lease are The Housing Authority of the City of Fort Wayne Indiana, referred to as Landlord, and, the occupying family, referred to as the Resident. The Landlord leases to the Resident the premises located at The premises leased are for the exclusive use and occupancy of the Resident and the Resident's household consisting of the following named persons who will live in the dwelling unit :

Name	Date of Birth	Social Security Number
------	---------------	------------------------

Any additions to the household members listed above require the advance written approval of the Landlord. This includes Live-in Aides and foster children or adults, but excludes natural births. The Landlord shall approve the additions if they pass the screening and an appropriate size unit is available. Deletions from the household shall be reported to the Landlord within ten (10) days.

2. **LEASE TERM:** This Lease shall begin on _____. The term shall be one year and shall renew automatically on an annual basis, unless terminated as provided by this Lease.

3. **RENTAL PAYMENT:** Resident shall pay monthly rent of \$ _____. If this Lease begins on a day other than the first day of the month, the first month's rent shall be \$_____.

(Check one)

_____ This rent is based on the Authority-determined flat rent for this unit.

This rent is based on the income and other information reported by the Resident.

Families may change rent calculation methods at any recertification. Families who have chosen the flat rent option may request a reexamination and change to the formula-based method at any time if the family's income has decreased, their on-going expenses for such purposes as child care and medical care have changed or any other circumstances that create a hardship for the family that would be alleviated by a change.

The rent and all other invoiced changes are due on the first day of each month at The Housing Authority of the City of Fort Wayne Indiana administrative office or by mail and shall remain in effect until adjusted in accordance with the provisions of this lease. If a reasonable accommodation on where to pay rent is needed, other arrangements can be made. Cash payments are not acceptable.

If Resident fails to make the rent payment by the fifth day of the month, a notice to vacate will be issued to the Resident. If the rent is not paid by the fifth of the month, a \$10 late fee will be assessed and a \$15 additional fee will be assessed on the 15th if the account remains unpaid. A 14 day Notice to Vacate detailing current assessed charges will be issued to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$25 for processing costs.

If a family is paying the minimum rent and its circumstances change creating an inability to pay the rent, the family may request suspension of the minimum rent because of a recognized hardship.

In the event legal proceedings are required to recover possession of the premises, the Resident will be charged with the actual cost of such proceedings including reasonable attorney fees.

- 4. SECURITY DEPOSIT:** The Resident has paid the amount of \$ to the Landlord as a Security Deposit.

With the approval of the Landlord, the Security Deposit may be made in three payments -- one third in advance, one third with their second rent payment, and one third with their third rent payment. The Landlord will hold this security deposit for the period the Resident occupies the dwelling unit. The Landlord shall not use the Security Deposit for rent or other charges while the Resident is living in the dwelling unit.

Within 45 days after the Resident has personally moved out of the dwelling unit, the Landlord shall return the Security Deposit after deducting whatever amount is needed to pay the cost of:

- a. unpaid rent;
- b. repair of damages that exceed normal wear and tear as listed on the Move-Out Inspection Report; and
- c. other charges due under the Lease.

The Landlord shall provide the Resident with a written list of any charges made against the Security Deposit. If the Resident disagrees with the amounts deducted, the Landlord will meet with the Resident to discuss the charges.

- 5. OCCUPANCY:** The Resident shall use the premises as a private dwelling for himself or herself and the persons named in of this Lease, with the exception of minor children born into the household during this tenancy, and shall not permit its use for any other purpose without the written permission of the Landlord.

The Resident shall not:

- 1) permit any persons other than those listed above and minor children which are born

into the household during this tenancy, to reside in the dwelling unit for more than fourteen (14) days each year without obtaining the prior written approval of the Landlord;

- 2) sublet or assign the unit, or any part of the unit;
- 3) engage in or permit unlawful activities in the unit, in the common areas, or on the property grounds;
- 4) act or allow household members or guests to act in a manner that will disturb the rights or comfort of neighbors;
- 5) permit any member of the household, a guest, or another person under the Resident's control to engage in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or Authority employees;
- 6) permit any member of the household, a guest, or another person under the Resident's control to engage in any violent or drug-related criminal activity on or off the premises.
- 7) Resident shall not permit any firearms on the premises without the required federal, state, or local permits.

With the written permission of the Landlord, the Resident can incidentally use the premises for legally permissible income producing purposes so long as the business does not infringe on the rights of other Residents. All such business-related uses of the premises must meet all zoning requirements and the Resident must have the proper business licenses.

The Resident has the right to exclusive use and occupancy of the dwelling unit, which includes reasonable accommodation of the Resident's guests, visitors and, with the consent of the Landlord, foster children and/or adults and the live-in care giver of the Resident's family.

6. **CONDITION OF DWELLING:** By signing this Lease and the Unit Inspection Report, the Resident acknowledges that the dwelling unit is safe, clean and in good condition, and that all appliances and equipment in the dwelling unit are in good working order as described on the Move-in Unit Inspection Report. This report, signed by both the Resident and Landlord, is attached to this Lease.

At the time of move out, the Landlord shall complete another inspection of the dwelling unit. When the Resident notifies the Landlord of his or her intent to vacate, the Landlord shall advise the Resident of their opportunity to participate in the move-out inspection.

7. **UTILITIES:** The Housing Authority of the City of Fort Wayne Indiana shall provide the following utilities as a part of this lease agreement but shall not be liable for the failure to provide service if beyond its control:

The Resident agrees to pay for the following utilities:

The Utility Allowance Schedule for Resident Paid Utilities and the Schedule of Excess Utility Charges are posted in the Landlord's office. The Resident shall pay any excess utilities consumed in their unit over and above that set forth in the Schedule. Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

- 8. RENT RECERTIFICATIONS:** Each year, by the date specified by the Landlord, Residents who are paying rent based on their income shall provide updated information regarding income, assets, expenses, and family composition. The Landlord shall verify the information supplied by the Resident and use the verified information to establish the amount of the Resident's rent for the next year. At the time of the annual review, the landlord shall advise the Resident of any income that will be excluded from consideration. Increased earnings due to employment shall be excluded during the twelve month period following hire for families whose income has increased because of the employment of a family member who was previously unemployed for one or more years, because of participation in a self-sufficiency program or was assisted by a State TANF program within the last six months.

Income reviews will be held every third year for Residents choosing the flat rent option. Residents who have chosen this option will be notified at the appropriate time for their recertification.

At the time of the review appointment the Resident may elect to change his or her rent choice option.

In cases where annual income cannot be projected for a twelve-month period or the Resident is reporting no income and Resident has chosen the percentage of income rent option, the Landlord will schedule special rent reviews every sixty (60) days. In addition, the Resident may request a change in the rent choice option before the date of the review if the family experiences a decrease in income; their circumstances have changed increasing their expenses for child care, medical, etc.; or other circumstances create a hardship on the family such that the formula method would be more financially feasible for the family.

Residents paying rent based on income may meet with the Landlord to discuss any change in rent resulting from the recertification process; and, if the Resident does not agree with the determination of Resident rent, the Resident may request a hearing in accordance with the landlord's grievance procedures.

- 9. INTERIM RENT ADJUSTMENTS:** Residents must promptly report to the Landlord any of the following changes in household circumstances when they occur between

Annual Rent Recertifications:

A member has been added to the family through birth, adoption, or court-awarded custody.

A household member is leaving or has left the family unit.

In addition, Residents paying rent based on a percentage of income may report the following activities that occur between Annual Rent Recertifications:

A decrease in annual income;

- b. Childcare expenses for children under the age of 13 that are necessary to enable a member of the household to be employed or to go to school;
- c. Handicapped assistance expenses, which enable a family member to work;
- d. Medical expenses of elderly, disabled, or handicapped headed households that are not covered by insurance; or
- e. Other family changes that impact their adjusted income.

Notwithstanding the provisions listed above, a Resident's rent shall not be reduced if the decrease in the family's annual income is caused by a reduction in the welfare or public assistance benefits received by the family that is a result of the Resident's failure to comply with the conditions of the assistance program requiring participation in an economic self-sufficiency program or other work activities. In addition, if the decrease in the family's annual income is caused by a reduction in welfare or public assistance benefits received by the family that is the result of an act of fraud, such decrease in income shall not result in a rent reduction. In such cases, the amount of income to be attributed to the family shall include what the family would have received had they complied with the welfare requirements or had not committed an act of fraud.

For purposes of rent adjustments, the reduction of welfare or public assistance benefits to a family that occurs as a result of the expiration of a time limit for the receipt of assistance will not be considered a failure to comply with program requirements. Accordingly, a Resident's rent will be reduced as a result of such a decrease.

The Landlord shall verify the information provided by the Resident to determine if a decrease in the rent is warranted.

10. EFFECTIVE DATE OF RENT CHANGE: The Landlord shall give the Resident written notice of any change in the Resident's rent. The notice shall be signed by the Landlord, state the new amount the Resident is required to pay, and the effective date of the new rental amount.

- a. Rent Decreases: The Landlord shall process rent decreases so that the lowered rent amount becomes effective on the first day of the month after the Resident

reports the change in household circumstances. This rent change may be made retroactive to the appropriate date if less than five (5) working days have been given to the Landlord to process this change.

- b. Rent Increases: The Landlord shall process rent increases so that the Resident is given no less than 30 days advance written notice of the amount due.

Once the rental rate is established, it shall remain in effect until the effective date of the next annual review, unless another interim review and change is warranted or the Resident elects to change to or from flat rent calculation method.

- 11. RESIDENT OBLIGATION TO REPAY:** Residents who pay rent based on income shall reimburse the Landlord for the difference between the rent that was paid and the rent that should have been charged if proper notice of income change had been given and if the following circumstances occur:

- a. Resident does not submit rent review information by the date specified in the Landlord's request; or
- b. Resident submits false information at Admission or at annual, special, or interim review.

Resident is not required to reimburse the Landlord for undercharges caused solely by the Landlord's failure to follow U.S. Department of Housing and Urban Development's procedures for computing rent.

12. MAINTENANCE:

The Resident Agrees To:

- a. keep the dwelling unit and any other areas assigned for the Resident's use in a clean and safe condition;
- b. use all appliances, fixtures and equipment in a safe manner and only for the purposes for which they are intended;
- c. not litter the grounds or common areas of the property;
- d. not undertake, or permit his or her family or guests to undertake any hazardous acts or do anything that will damage the property;
- e. not destroy, deface, damage or remove any part of the dwelling unit, common areas, or property grounds;
- f. give the Landlord prompt notice of any defects in the plumbing, fixtures, appliances, heating equipment or any other part of the unit or related facilities;
- g. not park unregistered or un-inspected vehicles on the property or park any vehicle in an unauthorized location and Resident must remove inoperable vehicles;
- h. remove garbage and other waste from the dwelling unit in a clean and safe manner; and
- i. pay reasonable charges for the repair of damages other than normal wear and

tear to the premises, development buildings, facilities or common areas caused by the Resident, his or her household or guests, and to do so within 30 days after the receipt of the Landlord's itemized statement of the repair charges. The Damage and Service Charge Schedule is posted in the Landlord's office. If the item is not listed on the Schedule, the Resident shall be charged the actual cost the Landlord incurred.

- j. Report criminal and/or drug related activities
- k. Provide supervision for all minors.

The Landlord Agrees To:

- a. maintain the premises and the property in decent and safe condition;
- b. comply with requirements of applicable building codes, housing codes materially affecting health and safety, and U.S. Department of Housing and Urban Development regulations;
- c. make necessary repairs to the premises;
- d. keep property buildings, facilities and common areas, not otherwise assigned to the Resident for maintenance and upkeep, in a clean and safe condition;
- e. maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by the Landlord;
- f. provide and maintain appropriate receptacles and facilities for the deposit of garbage, rubbish, and other waste removed from the premises by the Resident; and
- g. supply running water and reasonable amounts of hot water and heat at appropriate times of the year (according to local customs and usage) except where heat or hot water is generated by an installation within the exclusive control of the Resident and supplied by a direct utility connection.

If the dwelling unit is rendered uninhabitable, regardless of cause:

- a. The Resident shall immediately notify the Landlord;
- b. The Landlord shall be responsible for repair of the unit within a reasonable time. If the Resident, household members or guests caused the damage, the reasonable cost of the repairs shall be charged to the Resident.
- c. The Landlord shall offer standard alternative accommodations, if available, when necessary repairs cannot be made within a reasonable time.
- d. The Landlord shall make a provision for rent abatement in proportion to the seriousness of the damage and loss in value if repairs are not made within a reasonable time. No abatement of rent shall occur if the Resident rejects the alternative accommodations or if the Resident, Resident's household, or guests caused the damage.

13. RESTRICTION ON ALTERATIONS: The Resident shall not do any of the following

without first obtaining the Landlord's written permission:

- a. dismantle, change or remove any part of the appliances, fixtures or equipment in the dwelling unit;
- b. paint or install wallpaper or contact paper in the dwelling unit;
- c. attach awnings or window guards in the dwelling unit;
- d. attach or place any fixtures, signs, or fences on the building(s), the common areas, or the property grounds;
- e. attach any shelves, screen doors, or other permanent improvements in the dwelling unit;
- f. install or alter carpeting, resurface floors or alter woodwork;
- g. install washing machines, dryers, fans, heaters, or air conditioners in an elderly dwelling unit;
- h. place any aerials, antennas or other electrical connections on the dwelling unit;
- i. install additional or different locks or gates on any doors or windows of the dwelling unit; or
- j. operate a business as an incidental use in the dwelling unit.

- 14. ACCESS BY LANDLORD:** The Landlord shall provide two (2) days written advance notice to the Resident of his or her intent to enter the dwelling unit for the purpose of performing routine inspections and preventive maintenance, extermination or to show the dwelling unit for re-renting. The notice shall specify the estimated time, and purpose for the entry. The Resident shall permit the Landlord, his or her agents, or other persons, when accompanied by the Landlord, to enter the dwelling unit for these purposes. In the event that the Resident and all adult members of the household are absent from the dwelling unit at the time of entry, the Landlord shall leave a card stating the date, time and name of the person entering the dwelling unit and the purpose of the visit.

The Landlord may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe an emergency exists.

- 15. SIZE OF DWELLING:** The Resident understands that the Landlord assigns dwelling units according to the Occupancy Standards published in its Admissions and Continued Occupancy Policy (ACOP). The Standards consider the type (such as dwelling units designed for the elderly or handicapped) and size of the dwelling unit required by the number of household members. If the Resident is or becomes eligible for a different type or size dwelling unit and an appropriate dwelling unit under this program and the Landlord's transfer policy becomes available, the Resident shall be given a reasonable period of time to move. This time shall not exceed sixty (60) days unless an unusual hardship condition exists. If the Resident fails to move to the designated dwelling unit within the notice period specified by the Landlord, the Landlord may terminate this lease.

If the Landlord determines that a Resident must transfer to another unit based on

family composition, the Landlord shall notify the Resident. The Resident may ask for an explanation stating the specific grounds of the determination, and if the Resident does not agree with the determination, the Resident may request a hearing in accordance with the Landlord's grievance procedures.

- 16. LEASE TERMINATION BY LANDLORD:** Any termination of this Lease shall be carried out in accordance with U.S. Department of Housing and Urban Development regulations, State and local law, and the terms of this Lease.

The Landlord shall not terminate or refuse to renew the Lease other than for violation of material terms of the Lease, such as, but not limited to, the following:

- a. nonpayment of rent or other charges due under the Lease (i.e. utilities), or repeated chronic late payment of rent (four times in a twelve month period);
- b. failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications, to attend scheduled reexamination interviews or to cooperate in the verification process if the Resident has chosen to pay rent based on a percentage of income;
- c. furnishing false or misleading information during the application or review process; assignment or subleasing of the premises or providing accommodation for boarders or lodgers;
- d. use of the premises for purposes other than solely as a dwelling unit for the Resident and Resident's household as identified in this Lease, or permitting its use for any other purpose without the written permission of the Landlord;
- e. failure to abide by necessary and reasonable rules made by the Landlord for the benefit and well being of the housing development and the Residents;
- f. failure to abide by applicable building and housing codes materially affecting health or safety;
- g. failure to dispose of garbage, waste and rubbish in a safe and sanitary manner;
- h. failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;
- i. acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;
- j. failure to pay reasonable charges for the repair of damages to the premises, property buildings, facilities or common areas;
- k. any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other Residents or employees of the Authority;
- l. any violent or drug-related criminal activity on or off the premises, not just on or near the premises;
- m. alcohol abuse that the Landlord determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- n. failure to perform required community service or be exempted there from;
- o. failure to allow inspection of the dwelling unit;
- p. determination that a family member has knowingly permitted an ineligible non-

- citizen not listed on the lease to permanently reside in their public housing unit;
- r. determination or discovery that a resident is a registered sex offender; or,
- s. any other good cause.

17. NOTICE OF LEASE TERMINATION: If the Landlord proposes to terminate this Lease, the Resident shall be given written notice of the proposed termination, as listed below:

- a. for failure to pay rent, at least fourteen (14) days;
- b. for creation or maintenance of a threat to health or safety of other Residents or Landlord's employees, a reasonable time based on the urgency of the situation typically (3) days or less;
- c. for failure to maintain utilities in the dwelling unit, (10) day notice for waste;
- d. for all other cases, thirty (30) days, unless State law permits a shorter period.

The Notice to Vacate required by State or local law may be combined with or run concurrently with a Notice of Lease termination required by this lease.

The Notice of Lease Termination from the Landlord shall be either personally delivered to the Resident or to an adult member of the Resident's family residing in the dwelling unit, or sent to the Resident by First Class Mail, properly addressed, postage pre-paid. The notice shall:

- a. specify the date the Lease shall be terminated;
- b. state the grounds for termination with enough detail for the Resident to prepare a defense. The Landlord shall rely solely on the grounds stated in the Notice of Lease Termination in the event eviction action is initiated;
- c. advise the Resident of the right to reply as he or she may wish, to examine the Landlord's documents directly relevant to the termination or eviction, to use the Grievance Policy to contest the termination, and/or to defend the action in court.

18. LEASE TERMINATION BY RESIDENT: The Resident shall give the Landlord a written notice (30) days prior to lease expiration indicating the Resident's intent to vacate the unit at end of said lease. If the Resident does not give the full notice, the Resident shall be liable for rent to the end of the lease or to the date the dwelling unit is re-rented, whichever date comes first. In the event of lease termination by tenant as described above, the keys to the dwelling unit must be returned at lease end or rent for the unit will continue to be charged until such time as the courts award a judgment for eviction and possession.

19. TERMINATION OF LEASE UPON DEATH OR INCAPACITY OF RESIDENT: Upon the death of the Resident, or if there is more than one Resident, upon the death of all Residents, either the Landlord or the personal representative of the Resident's estate may terminate this Lease upon 30 days written notice, to be effective on the last day of a calendar month. If full notice is not given, the Resident's estate shall be

liable for rent to the end of the notice period or to the date the unit is re-rented, whichever date comes first. The termination of a Lease under this section shall not relieve the Resident's estate from liability either for payment of rent or other amounts owed prior to or during the notice period, or for the payment of amounts necessary to restore the premises to their condition at the beginning of the Resident's occupancy, normal wear and tear excepted.

If during the term of this Lease the Resident, by reason of physical or mental impairment, is no longer able to comply with the material provisions of this Lease and the Landlord cannot make a reasonable accommodation to enable the Resident to comply with the Lease; then action shall be taken. The Landlord will assist the Resident or designated member(s) of the Resident's family to move the Resident to more suitable housing. If there are no family members, the Landlord will work with appropriate agencies to secure suitable housing. This Lease will terminate upon the Resident moving from the unit.

- 20. PROPERTY ABANDONMENT:** If a Resident abandons the dwelling unit, the Landlord shall take possession of the Resident's personal property remaining on the premises, and shall dispose of it in accordance with state law. The landlord will consider the unit to be abandoned when a resident has fallen behind in rent and has clearly indicated by words or actions an intention not to continue living in the unit. The Landlord has a claim against the Resident for reasonable costs and expenses incurred in removing the property, in storing and caring for the property, and in selling the property. The Landlord can collect from the Resident all these costs.

21. DELIVERY OF NOTICES:

Notice by Landlord: Any notice from the Landlord shall be in writing and either personally delivered to the Resident or to an adult member of the Resident's family residing in the dwelling unit, or sent by first class mail, return receipt requested, properly addressed, postage pre-paid.

Notice by Resident: Any notice to the Landlord shall be in writing, and either personally delivered to the Landlord at the Landlord's Office, or sent to Landlord by first-class mail, postage pre-paid and addressed to: The Housing Authority of the City of Fort Wayne Indiana.

If the Resident is visually impaired, notices shall be in accessible format.

- 22. GRIEVANCES:** All individual grievances or appeals, with the exception of those cases concerning eviction or termination of tenancy which are based upon a Resident's creation or maintenance of a threat to health or safety of other Residents or Landlord employees, shall be processed under the Grievance Policy. This policy is posted in the Landlord's Office where copies are available upon request.

Before the Landlord shall schedule a Grievance Hearing for any grievance concerning the amount of rent the Landlord claims is due, the Resident must first bring his or her rent account current by paying to the Landlord an amount equal to the amount of rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. After the hearing is scheduled, the Resident shall continue to deposit this same monthly rent amount into the Landlord's escrow account until the complaint is resolved by the decision of the hearing officer or panel.

When the Housing Authority is required to afford the Resident the opportunity for a hearing in accordance with the authority's grievance procedure for a grievance concerning the Lease termination, the tenancy shall not terminate (even if any notice to vacate under State or local law has expired) until the time for the Resident to request a grievance hearing has expired, and (if a hearing was timely requested by the Resident) the grievance process has been completed.

- 23. HOUSE RULES:** The Resident agrees to obey any House Rules, which are reasonably related to the safety, care and cleanliness of the building and the safety, comfort and convenience of the Residents. Such rules may be modified by the Landlord from time to time provided that the Resident receives written notice of the proposed change, reasons for the change and an opportunity to submit written comments during a 30 day comment period at least 30 days before the proposed effective date of the change in the Rule. Existing House Rules, if any, are posted in the property and are attached to this Lease. In emergency situations involving health and/or safety of the residents, the House Rules may be amended by Landlord effective immediately.
- 24. DISCRIMINATION PROHIBITED:** The Landlord shall not discriminate based upon race, color, creed, religion, national origin, sex, marital status, age, handicap or disability, familial status, or recipients of public assistance and shall comply with all nondiscrimination requirements of Federal, State and local law.
- 25. ATTACHMENTS TO THE LEASE:** The Resident certifies that he/she has received a copy of this Lease and the following Attachments to this Lease, and understands that these Attachments are part of this Lease.

This lease shall be construed according to the laws of the State of Indiana.

This lease shall be binding on the parties, heirs and successors.

Should any portion of this lease be found void or unenforceable, the balance of the lease shall remain in full force and effect.

Failure of the Landlord to enforce any provision of this lease shall not be considered a waiver of any different or future breach of the lease.

FWHA, Public Housing Lease
Effective 10/1/99 – Revised 7/1/07

Attachments:

Signatures:

RESIDENT: 1) _____ Date

2) _____ Date

LANDLORD: _____ Date

Attachment C

FWHA Pet Policy

Draft



FWHA PET POLICY

The purpose of this policy is to establish the PHA's policy and procedures for ownership of pets in elderly and disabled units and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities.

Pet rules will not be applied to animals that assist persons with disabilities.

To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household;
- That the animal has been trained to assist with the specified disability

MANAGEMENT APPROVAL OF PETS

All pets must be approved in advance by the PHA management.

The pet owner must submit and enter into a Pet Agreement with the PHA.

Registration of Pets

Pets must be registered with the PHA before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, and that the pet has no communicable disease(s) and is pest-free.

Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 30 days prior to annual reexamination.

Dogs and cats must be spayed or neutered.

Execution of a Pet Agreement with the PHA stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.

Registration must be renewed and will be coordinated with the annual recertification date.

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Refusal To Register Pets

The PHA may not refuse to register a pet based on the determination that the pet owner is financially unable to care for the pet. If the PHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The PHA will refuse to register a pet if:

- The pet is not a *common household pet* as defined in this policy;
- Keeping the pet would violate any House Pet Rules;
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually; or,
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

The notice of refusal may be combined with a notice of a pet violation.

A resident who cares for another resident's pet must notify the PHA and agree to abide by all of the pet rules in writing.

STANDARDS FOR PETS

If an approved pet gives birth to a litter, the resident must remove all pets from the premises except one.

Pet rules will not be applied to animals that assist persons with disabilities.

Persons With Disabilities

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities.

To be excluded from the pet policy, the resident/pet owner must certify:

- * That there is a person with disabilities in the household;
- * That the animal has been trained to assist with the specified disability; and
- * That the animal actually assists the person with the disability.

Types of Pets Allowed

No types of pets other than the following may be kept by a resident.

*** Tenants are not permitted to have more than one *type* of pet.**

1. Dogs

- ❖ Maximum number: One
- ❖ Maximum adult weight: 25 pounds
- ❖ Must be housebroken
- ❖ Must be spayed or neutered
- ❖ Must have all required inoculations
- ❖ Must be licensed as specified now or in the future by State law and local ordinance

2. Cats

- ❖ Maximum number (one)
- ❖ Must be spayed or neutered
- ❖ Must have all required inoculations
- ❖ Must be trained to use a litter box or other waste receptacle
- ❖ Must be licensed as specified now or in the future by State law or local ordinance

3. Birds

- ❖ Maximum number : 2
- ❖ Must be enclosed in a cage at all times

4. Fish

- ❖ Maximum aquarium size 10 gallons
- ❖ Must be maintained on an approved stand

5. Rodents (Rabbit , guinea pig, hamster, or gerbil ONLY)

- ❖ Maximum number: 2
- ❖ Must be enclosed in an acceptable cage at all times
- ❖ Must have any or all inoculations as specified now or in the future by State law or local ordinance

6. Turtles

- ❖ Maximum number: 2
- ❖ Must be enclosed in an acceptable cage or container at all times.

PETS TEMPORARILY ON THE PREMISES

Pets which are not owned by a tenant will not be allowed. Residents are prohibited from feeding or harboring stray animals. This rule excludes visiting pet programs sponsored by a humane society or other non-profit organization and approved by the PHA.

* State or local laws governing pets temporarily in dwelling accommodations shall prevail.

ADDITIONAL FEES AND DEPOSITS FOR PETS

Tenants with animals must pay a pet deposit.

The resident/pet owner shall be required to pay a refundable deposit for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat.

An initial payment of \$200.00 on or prior to the date the pet is properly registered and brought into the apartment, this amount may be paid in installments of not less than \$25, however the total \$200 deposit must be paid before the pet can be registered and brought into the unit and;

- ❖ The PHA reserves the right to change or increase the required deposit by amendment to these rules.
- ❖ The PHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.
- ❖ The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.
- ❖ The PHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.
- ❖ All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- ❖ The cost of repairs and replacements to the resident's dwelling unit;
- ❖ Fumigation of the dwelling unit;
- ❖ Common areas of the project.

*** Pet Deposits are not a part of rent payable by the resident.**

ALTERATIONS TO UNIT

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

PET WASTE REMOVAL CHARGE

Pet owners are expected to provide for the sanitation needs of their pets. It is unacceptable for animal waste to be left on the complex grounds or within the individual apartments. All animal waste must be disposed of by the owner. If, the owner does not remove the pet waste charges will be assessed and a lease violation notice sent.

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against the resident for violations of the pet policy. Pet deposit and pet waste removal charges are not part of rent payable by the resident. All reasonable expenses incurred by the PHA as the result of damages directly attributable to the presence of the pet will be the responsibility of the resident, including:

- ❖ The cost of repairs and replacements to the dwelling unit; and
- ❖ Fumigation of the dwelling unit.

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge. If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount which exceeds the pet deposit. The pet deposit will be refunded when the resident moves out or no longer has a pet on the premises, whichever occurs first. The expense of flea deinfestation shall be the responsibility of the resident.

PET AREA RESTRICTIONS

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

NOISE

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

CLEANLINESS REQUIREMENTS

Litter Box Requirements.

All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin.

- ❖ Litter shall not be disposed of by being flushed through a toilet.
- ❖ Litter boxes shall be stored inside the resident's dwelling unit.

Removal of Waste From Other Locations.

The Resident/Pet Owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in an outside trash bin.

- ❖ Any unit occupied by a dog, cat, or rodent will be fumigated at the time the unit is vacated.
- ❖ The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

PET CARE

- ❖ No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 72 hours.
- ❖ All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.
- ❖ Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

RESPONSIBLE PARTIES

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

INSPECTIONS

The PHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed.

The PHA may enter and inspect the unit if a written complaint is received alleging that the conduct or condition of the pet in the unit constitutes a nuisance or threat to the health or safety of the other occupants or other persons in the community under applicable State or local law.

PET RULE VIOLATION NOTICE

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) which were violated. The notice will also state:

- ❖ That the resident/pet owner has 3 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;
- ❖ That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- ❖ That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the [3] day period, the meeting will be scheduled no later than [3] calendar days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

NOTICE FOR PET REMOVAL

If the resident/pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The Notice shall contain:

- ❖ A brief statement of the factual basis for the PHA's determination of the Pet Rule that has been violated;
- ❖ The requirement that the resident /pet owner must remove the pet within 3 days of the notice and 24 hours for safety and health reasons; and
- ❖ A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

TERMINATION OF TENANCY

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- ❖ The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
- ❖ The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. Includes pets that are poorly cared for or have been left unattended for over 72 hours.

If the responsible party is unwilling or unable to care for the pet, or if the PHA after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate State or local agency and request the removal of the pet.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

EMERGENCIES

The PHA will take all necessary steps to insure that pets which become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

*** If it is necessary for the HA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.**

Draft

Attachment D

***POLICIES AND PROCEDURES
FOR FAMILY DESIGNED HOUSING***

Draft



FORT WAYNE HOUSING AUTHORITY

POLICIES AND PROCEDURES

(RULES AND REGULATIONS)
FOR FAMILY DESIGNED HOUSING
1/2000 – Revised 7/1/2005

THIS DOCUMENT IS PART OF THE LEASE

I. GENERAL GUIDELINES

A. Resident Keys

1. Two keys for each unit will be issued at the time of occupancy. Please report to your manager if you have made any extra keys. There will be a \$10.00 charge if you need your key replace.
2. The responsibility for the apartment key is yours. There will be a service charge for each door unlocked after regular office hours. The charge is \$10.00 and **IDENTIFICATION IS REQUIRED.**
3. If keys are not returned at the time the apartment is vacated you will be charged for lock replacement.
4. Residents living in the family complexes will be issued a key which will unlock the main entry doors to your apartment. This key may not be duplicated without prior authorization from the management.

B. Pets

1. See Pet Policy Guidelines and Pet Policy.

C. Guests and Children

1. The apartment is leased to you; therefore, you are not permitted to allow other persons to live or visit in your home on a long-term basis. This includes boarders, lodgers and guests.
2. Any resident who has the same guest for longer than a total period of 14 days in any one year will be subject to eviction. Any variation of this rule shall be at the discretion of

the Housing Authority and documented in writing.

3. Children and Guests: You are responsible for the actions of your children and/or guests. You, your family members, or guests will not be permitted to disturb, in any way, other tenants or interfere with the general well-being of the housing complex.

4. You are responsible for the safety of children who are visiting you or are left in your keeping. YOU MAY NOT PROVIDE CHILD CARE SERVICES OR BABY-SITTING FOR CHILDREN ON A REGULAR BASIS IN YOUR UNIT.

D. Television, Radio, Stereo Equipment, and Musical Instruments

1. Television, radios, stereos, and musical instruments in apartments must always be kept at a moderate tone. After 10:00 P.M. they must be kept LOW.

2. Musical instruments and electronic equipment cannot be played outside of the apartment or in the windows. You, your family or your guests will not be permitted to disturb, in any way, other tenants.

3. PLEASE BE CONSIDERATE OF YOUR NEIGHBORS.

E. Fire Prevention

1. You agree to take the greatest care to prevent fires and not to keep or use on the premises, flammable, such as gasoline, solvents or store combustibles such as newspapers and magazines in or about the apartment and especially not in the furnace or utility rooms. You will not be allowed to use extension cords in order to add extra electrical appliances. This overloads the electrical system thereby causing fires.

2. Housing Authority personnel may enter the premises at any time without advance notice when there is reasonable cause to believe that a fire hazard exists.

3. Smoke detectors are installed in all apartments. **IF YOUR DISCONNECT THESE DETECTORS FOR ANY REASON, YOU WILL BE HELD LIABLE FOR ALL DAMAGES.** You must notify the manager immediately of any defects.

4. It is Indiana Fire Code that no gas or charcoal grills may be used or stored in or with 10 feet of an apartment complex. Anyone that is found to have such a grill shall be subject to eviction and will be responsible for any fines levied by the local Fire Marshall.

5. It is Indiana Fire Code that no live trees can be in apartment. Anyone that is found to have such a tree shall be subject to eviction and will be responsible for any fines levied by the local Fire Marshall.

II. SERVICE AREAS

A. Trash and Garbage Disposal

1. At Brookmill, McCormick and River Cove where large garbage containers (dumpsters) are available, the emptying of garbage containers **MUST BE THE RESPONSIBILITY OF THE ADULT LESSEE OR OLDER CHILDREN WHO CAN EASILY LIFT THE LID AND REACH HIGH ENOUGH TO PLACE THE GARBAGE INTO THE DUMPSTER. SMALL CHILDREN MUST NOT ATTEMPT TO EMPTY TRASH BECAUSE THEY CANNOT REACH THE CONTAINER. TIED PLASTIC BAGS ARE REQUIRED FOR ALL GARBAGE AND RUBBISH AT THE TENANT'S EXPENSE.** Residents may be charged if our maintenance staff have to pick litter or debris in your yard/porch areas.

3. Garbage must not be stored or kept in our apartment overnight. Emptying garbage daily in the containers provided will help prevent infestation. Where garbage disposals are provided, please use as instructed by the Housing Authority.

B. Interior and Exterior Maintenance

1. You must keep the area immediately outside your apartment free of litter, trash and debris. You may be charged if maintenance staff has to clear such debris from your yard or porch areas.

2. Snow Removal

The Housing Authority will exercise reasonable care and diligence in keeping complex streets, parking lots and main sidewalks in reasonably safe condition for travel. Because weather may create slippery and dangerous conditions, tenants must exercise care and be tentative in their movement when there is wet, cold or bad weather. The Housing Authority shall not assume responsibility for injuries caused by defects due to natural accumulations of ice and snow.

3. Housekeeping

You are required to maintain your apartment in a clean and sanitary condition. If you are unable to do heavy or strenuous work, you must make arrangements with a friend or relative to regularly take care of these chores for you. No furniture in excess of reasonable living requirements may be stored in the apartment.

NO WATER BEDS ARE ALLOWED

All appliances which have been provided by the Housing Authority may with Housing Authority approval be replaced by your own appliances. However, upon your written request, the Housing Authority appliances will be removed from your apartment for a charge of \$10.00. If Housing Authority appliances are removed at your request, you will be responsible for providing your own appliances for the duration of your residency with the Housing Authority.

4. Kitchen Stove

Your stove is ready to operate. The oven door should be kept open slightly when broiling keep the burners, trays and oven clean. Do not try to make repairs or adjustments. Please call the maintenance facility at 449-7821 for service repairs.

5. Refrigerator

Your refrigerator is ready to operate. If not a frost-free unit, defrost and clean it regularly so that your food will keep cold, stay fresh and use less electricity. Do not try to make repairs or adjustments. Please call the maintenance facility at 449-7821 for service. Do not use sharp instruments.

6. Freezer

You are permitted to have your own freezer.

7. Contact Paper, wall paper, glue on tiles, adhesive-backed mirrors, bath tub stick-ons, and other similar products shall not be used in the apartment, in cabinets, in drawers, on walls. Stick on picture hangers are not permitted.

8. Hanging Wall Decorations

For hanging pictures and other wall decorations and similar fixtures, contact your manager before installation. Failure to do so may result in damage charges assessed to you.

9. Your apartment may be repainted once every five years subject to the availability of funds. You are required to repaint or make arrangements to repaint your apartment with the paint provided by the Housing Authority. All walls and ceilings are painted white and must remain so.

10. You are encouraged to do your own minor preventative maintenance such as tightening screws on knobs, handles, cabinet doors and drawers. If an item in your apartment breaks, please save or set aside the parts. This will make it easier for the maintenance staff to repair the item in question.

11. Carpeting

Carpets and rugs must meet state and HUD fire requirements PRIOR to installation. Your manager has certification papers for you to take to your carpet dealer before the purchase. Proper certification must be returned to your manager before the carpet or rug is laid. ABSOLUTELY NO GLUING, TACKING, OR NAILING IS ALLOWED IN THE INSTALLATION OF ANY RUG OR CARPET. You are responsible for the cost to repair any damage caused by carpet or rug laying and for the REMOVAL PROCESS

12. Window shades can be purchased from the Housing Authority following move-in. Make your request to purchase the shades from your manager at move-in inspection or call the

maintenance facility at 449-7821 for service. Shades are not furnished, but may be purchased from at cost.

C. Service Requests

1. All work orders (service requests) for repairs and maintenance must be processed by calling the maintenance facility at 449-7821. If you do not have a phone you may go to the manager's office to phone in the request.
2. All electrical fixtures and appliances that require installation must be approved IN WRITING, IN ADVANCE, BY THE HOUSING AUTHORITY. This includes, but is not limited to air conditioners, dryers and washers. Any gas appliance requiring installation must also be approved in WRITING, IN ADVANCE, BY THE HOUSING AUTHORITY.
3. Maintenance charges are posted in the complex office. These charges are periodically reviewed and/or revised to reflect changing costs.

D. Alcoholic Beverages - Illegal Drugs

1. You are not permitted to carry or consume any alcoholic beverages on the grounds. Alcohol consumption is limited to the confines of your apartment.
2. **ILLEGAL DRUGS ARE NOT PERMITTED IN ANY DEGREE ON HOUSING AUTHORITY PROPERTY WHICH INCLUDES THE GROUNDS, PARKING LOTS, COMMON AREAS OR IN THE APARTMENTS OR ANY OTHER OF OUR AREAS. Tenants or other individuals shall not engage in the he unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on any property owned or controlled by the Fort Wane Housing Authority. REFER TO THE DRUG FREE POLICY THAT YOU WERE GIVEN, OR TO THE COPY POSTED AT YOUR MANAGER'S OFFICE. Violation of this policy can result in EVICTION.**

III. USE OF THE COMMUNITY ROOM

1. All family housing complexes will have available a community building which may be available for authorized use. There will be a deposit required from you for your use of the facilities.
2. The maximum number of people to utilize the Community Room will depend upon fire regulations as they apply and as are posted.
3. The setting up and cleaning of a Community Room is your responsibility. A deposit of

\$100.00 is to be paid to the Housing Authority at least one week prior to using the room. \$75.00 will be refunded if the room is left clean and orderly. However, should it be necessary for the Housing Authority to perform these cleaning duties, your deposit will not be refunded. Additional charges for cleaning and repairs will be assessed, if necessary.

4. Your activities shall be **CONFINED TO THE COMMUNITY ROOM.**

5. If you wish to service alcoholic beverages, you shall be required to hire a licensed security guard or uniformed police officer to remain in the room for the duration of the activity. You must provide management with a copy of the contract for this service at least 7 days prior to the scheduled activity.

6. Your activities must be over and the building vacated by 11:00 p.m. unless approved by the Housing Authority.

7. When you rent the community room, please advise your guests to park somewhere other than in the complex's parking lot. Otherwise, residents may not have sufficient parking for their own vehicles. Unauthorized vehicles will be towed at the owner's expense.

IV. RENTER'S INSURANCE

1. You should purchase Renter's insurance to cover your personal property from an insurance company of your choice. The Housing Authority will not be responsible for tenants losses not covered by insurance such as food spoilage if the refrigerator fails, damage to floors and carpets caused by overflowing toilets, tubs, and sinks, fire or thefts. Damages caused by, but not limited to the above-referenced examples, will be charged to you unless covered by and paid for by your renter's insurance.

V. SECURITY DEPOSIT

1. You are required to pay a Security Deposit. The deposit will be refunded in full within forty-five days from move-out if:

1. You owe no rent.
2. You leave your apartment clean and in good condition.
3. There are no damages to your apartment or appliances.
4. You notify the Housing Authority IN WRITING at least 30 days before moving.
5. You return ALL your keys. If you do not return your keys, you will be charged for the replacement of your locks.

Draft

Attachment E

***POLICIES AND PROCEDURES
FOR SENIOR & DISABLED DESIGNED SITES***

Draft



**FORT WAYNE HOUSING AUTHORITY
POLICIES AND PROCEDURES
(RULES AND REGULATIONS)
FOR SENIOR & DISABLED DESIGNED SITES
1/2000 – REVISED 7/1/05**

THIS DOCUMENT IS A PART OF THE LEASE

I. GENERAL GUIDELINES FOR ALL COMPLEX LOCATIONS

A. Residence Keys

1. One key for each dwelling unit will be issued for each adult on the lease at the time of occupancy. This key may not be duplicated. **There will be a \$10 fee if you need the key replaced.**
2. Miami Home residents will be issued a key to the laundry room located in the Miami Homes Community Building. Duplication of laundry room keys is not permitted.
3. Residents living in high-rise buildings will be issued one ID card which unlocks the main entrance door to the building. This ID card may not be duplicated.
4. At high-rise buildings, all outside doors will be locked at all times. Residents must enter and exit through the main lobby doors and shall not use service doors, fire or emergency exits except in the case of an emergency.
5. There will be a service charge of \$5.00 for all lockouts occurring after regular business hours.
6. If keys are not returned when you vacate your apartment you will be charged for lock replacement.

B. Mailbox Keys

1. Residents in high-rise buildings will be issued a mailbox key, which may not be duplicated.

C. Pets

1. See Pet Policy Guidelines and Pet Policy.

D. Guests and Children

1. The apartment is leased to you; therefore, you may not allow other persons to live or visit in your apartment on a long term or permanent basis. This includes boarders, lodgers or guests.
2. Over night guests are permitted in the apartments, including children who may remain over night or over the weekend. Any resident who has the same guest or guests for longer than a cumulative total of 14 days in any one year period will be subject to lease cancellation. Any variation of this rule shall be approved in writing by the Housing Authority.
3. Residents who have children as guests must keep them from roaming the halls and disturbing other residents. Children may not have access to equipment or recreational facilities.
4. You may not provide child care services or baby-sitting for children on a regular basis in your unit.
5. In high-rise buildings children must be accompanied by an adult at all times when riding elevators and under constant supervision when visiting all facilities.

E. Televisions, Radios, Stereo Equipment and Musical Instruments

1. The lobby television is for the enjoyment of all residents. The station being shown is determined on a first come basis.
2. Televisions, stereo equipment, musical instruments and radios in apartment must always be kept at a moderate tone. After 11:00 p.m. the volume must be kept low.
3. PLEASE BE CONSIDERATE OF YOUR NEIGHBORS.

F. Fire Related Rules

1. Fire Doors

- a. Personnel of the Fire Prevention Bureau have ruled that the fire exit doors in all apartment buildings are to be kept closed and used only in the event of a fire, fire drill, or other fire emergency. Anyone observed entering, exiting, inserting paper or any obstruction in a door to prevent locking shall be subject to eviction.

2. Grills

a. It is Indiana Fire Code that no gas or charcoal grills may be used or stored in or with 10 feet of an apartment complex. Anyone that is found to have such a grill shall be subject to eviction and will be responsible for any fines levied by the local Fire Marshall.

3. Live Tree

a. It is Indiana Fire Code that no live trees can be in apartment. Anyone that is found to have such a tree shall be subject to eviction and will be responsible for any fines levied by the local Fire Marshall.

II. SERVICE AREAS

A. Laundry Facilities

1. In high-rise buildings you will be assigned a specific time to do your washing and drying. There must not be any deviation from this scheduled time without the consent of the Manager. For emergency purposes, an additional assigned time may be allotted to you, if possible. Please observe all rules in the laundry areas. You are required to clean washers and dryer lint catchers and general laundry area after each use.

2. At Maumee Terrace where laundry facilities are in individual apartments, you will be responsible for willful damages, keeping appliances clean and notifying your manager immediately if malfunctions develop.

B. Garbage Facilities

1. Seniors in Miami Homes and Maumee Terrace are required to set your garbage bags out to the curb for pickup at the designated time. Please place all garbage in plastic bags and tie securely.

2. In high-rise buildings, if not equipped with in-sink garbage disposers, we garbage must be placed in plastic bags. This and other rubbish, including bottles must be wrapped, securely tied and put down the garbage chute.

Place recyclable items in designated areas in each building. Please be considerate and do not use the garbage chute early morning or late evening.

C. Service Requests

1. All work orders (service requests) for repairs and maintenance must be phoned into the maintenance facility at 449-7821. You will sign the work order when the work is completed and you will receive a copy of the work order. For tenant caused damages/repairs you will be billed on your monthly rent statement. (This includes repairs/damages caused by guests and visitors).

D. Interior and Exterior Maintenance Information

1. For hanging of pictures and other wall decorations including chain lamps and similar fixtures, please contact the office personnel for instructions BEFORE installation. Failure to do so may result in a damage charge to you.

2. Contact paper, wallpaper, stick on mirrors/tiles, bathtub stickon's and other adhesives are not to be used in any of the apartments whether in the cupboards, drawers or walls. Stick on picture hangers are not permitted.

3. All electrical fixtures and appliances that require installation must be approved in writing by the Housing Authority prior to installation.

4. There will be a service charge for all non-essential items requiring installation or removal. All installation and removals will be by Fort Wayne Housing Authority Maintenance Department or its' designee.

5. All painting for apartments in Housing Authority facilities will be initially provided by the Housing Authority. All walls and ceilings will be painted near white and must remain so.

6. Maintenance charges are posted in the complex office. These charges are periodically revised to reflect changing costs.

7. Snow removal: The Housing Authority will exercise reasonable care and diligence in keeping complex streets, parking lots and main sidewalks in reasonably safe condition for travel. Because weather may create slippery and dangerous conditions, tenants must exercise care and be tentative in movement when there is wet, cold or bad weather. The Housing Authority will not assume responsibility for injuries caused by defects due to natural accumulation of snow and ice.

8. Draperies: At the time the high-rises were built, draperies were provided. As these deteriorate, replacements must be at your expense. Curtains must be white on the side that faces the exterior. For any existing Housing Authority curtains, you are responsible for yearly cleaning.

9. Carpeting: New carpets and rugs must meet state and HUD fire retardant

requirements. Your manager has certification papers for you to take to your carpet dealer before the purchase. Proper certification must be returned to the manager before the carpet or rug is laid. No tacking, nailing or gluing is allowed when installing carpet or rugs. You are responsible for the cost to repair any damage caused by carpet or rug laying and for THE REMOVAL PROCESS at move-out.

10. Your apartment may be repainted once every five years subject to the availability of funds. You are required to repaint or make arrangements to repaint your apartment with the paint provided by the Housing Authority. All walls and ceilings are painted near white and must remain so.

III. USE OF THE COMMUNITY ROOM

- A. The maximum number of people to utilize the community rooms of any of the Housing locations will depend upon fire regulations as applied to the individual community space.
- B. The high-rise residents may utilize any of the community rooms. All senior residents will abide by the following rules;
 - 1. A \$25.00 deposit is required when reserving the room. This deposit will be refunded if the room is cleaned and left as found at the time of reservation.
 - 2. The setting up and cleaning of a community room is to be done by you. However, if it should become necessary for the Housing Authority to perform these duties, there will be a maintenance charge of \$25.00 to the resident who reserved the room.
 - 3. Your activities are to be confined to the community room.
 - 4. Your activities must be over by 1:00 a.m.
 - 5. When you rent the community room, please advise your guests to park somewhere other than the complex's parking lot. Otherwise, residents may not have sufficient parking for their own vehicles. Unauthorized vehicles will be towed at the owner's expense.

IV. RENTER'S INSURANCE

A. You should purchase renter's insurance to cover your personal property from an insurance company of your choice. The Housing Authority will not be responsible for losses not covered by renter's insurance such as food spoilage if the refrigerator fails, damage to floors and carpets caused by overflowing toilets, tubs, sinks, fire or thefts. Damages caused by, but not limited to the above referenced examples will be charged to

you unless covered by and paid for by your renter's insurance policy.

V. SECURITY DEPOSIT

A. You are required to pay a security deposit. The deposit will be refunded to you in full within 45 days from moving out of the apartment if:

1. You owe no rent.
2. You leave your apartment and appliances clean.
3. There are no damages to your apartment or appliances.
4. You notify the manager **IN WRITING** at least 15 days before moving.
5. You return **ALL YOUR KEYS**. If you do not return your keys you will be charged for the replacement of your locks.

VI. GUIDELINES FOR MOVING

A. You will be responsible for your own moving. All furniture and large items requiring use of elevator facilities must be moved during regular office hours. Small items may be moved at any time. All unloading of furniture will be done at the rear entrances of high-rise buildings.

1. All large furniture must be loaded into the designated elevator with the padding in place.
2. You must bring your empty boxes to the maintenance room. **DO NOT PUT THE BOXES INTO THE GARBAGE CHUTE.**

VII. HOUSEKEEPING

A. You must maintain your apartment in a clean and sanitary condition. If you are unable to do heavy or strenuous work, please make arrangements with someone you know or hire help to take care of these chores for you.

B. No furniture in excess of reasonable living requirements may be stored in the apartment. Only stoves and refrigerators provided by the Housing Authority may be used.

C. Kitchen range: Your stove is ready to operate. The oven door should be kept open slightly when broiling. Keep the burners, trays and oven of your stove clean. Call the maintenance facility at 449-7821 for repairs or adjustments. Do not use your stove for the purpose of providing extra heat in your apartment.

D. Refrigerator: Your refrigerator is ready to operate. Defrost and clean regularly so your food will keep cold, fresh and less electricity will be used. Do not use sharp objects to

loosen ice in the freezer. Do not try to make repairs, instead call the maintenance facility at 449-7821 for service. For frost free units, regular cleaning is also required.

E. Residents of high-rise buildings cannot have freezers except for the one in the refrigerator provided by the Housing Authority.

F. NO WATER BEDS ARE ALLOWED.

VIII. ENTERING YOUR APARTMENT DURING TENANCY

A. The Housing Authority or its Agent will be allowed to enter your dwelling during reasonable hours for the purpose of performing routine inspections, maintenance, repairs or to show premises for releasing.

B. A written statement specifying the purpose of the entry delivered to you at least two working days before such entry will be considered reasonable advance notice.

C. The Housing Authority or its Agent may enter the premises at any time without advance notice when there is reasonable cause to believe that an emergency exists.

D. If you and all adult members of your household are absent from the premises at the time of entry, Housing Authority personnel will leave a written statement specifying the date, time, and purpose of entry prior to leaving the premises.

IX. ALCOHOLIC BEVERAGES/ILLEGAL DRUGS

A. You will not be permitted to carry or consume any alcoholic beverages on the grounds or in public areas of the buildings. Alcoholic consumption must be limited to the confines of your apartment. Illegal drugs will not be permitted. Refer to the Drug Free Workplace Policy.

X. SOCIAL SERVICE

A. The Housing Authority has a staff of Social Service Professionals available to help you with personal problems. This may include assisting with Financial problems and referrals to other agencies for medical, social or emotional help. Please contact your manager for referral to the Social Service Professionals.

XI. IF YOU BECOME ILL OR INCAPACITATED

A. When admitted for Public Housing, you must be able to care for your personal needs.

Also, the routine chores within your apartment. If it is necessary for you to go to a hospital or nursing home, you will need a statement from your doctor BEFORE returning, stating that you are capable of caring for yourself and your apartment. We will hold your apartment for you for a period of 60 days, provided the rent is paid during that time.

XII. TENANT RESPONSIBILITY AND ATTITUDE

A. It is hoped that you will develop pride in the complex and display a general concern for the entire operation. This applies to being concerned about your fellow tenants, too. If at any time you observe that your neighbor is not about his or her usual pattern of activities, please notify the office. Make it a point to notify the office if you are sick and especially if you will be leaving the building for a long period of time or for a stay in the hospital. There is a sign out sheet in each office. The management is concerned about each one of you, but your assistance is needed so that all can be helped in the best way possible. Please make sure you give the manager the name and address/phone of a contact person in case of an emergency. Keep the manager up-to-date if this information changes.

XIII. ABUSE OF HOUSING AUTHORITY PERSONNEL

A. Verbal or physical abuse of Housing Authority personnel will not be permitted or tolerated. Violations of this rule will result with immediate eviction and/or possible prosecution.

XIV. VIOLATIONS OF HOUSING AUTHORITY RULES

A. Willful violations of any terms or conditions of your lease or the Policies and Procedures (Rules and Regulations) as presented herein or as they may be amended at any time in the future shall result in eviction and/or possible prosecution.

XV. RENT PAYING PROCEDURES

A. Three delinquent rent payments in any consecutive twelve-month period will result in eviction.

B. You must pick up the rent statement in the manager's office on the first regular business day of the month. Your rent and any other charge owed to the Housing Authority by you will be itemized on your rent statement.

C. If you prefer to pay by personal check, money order or cashiers check, you may mail your monthly payment along with one copy of your statement to the Fort Wayne Housing

Authority. Write your name and address and account number on the front of your check in case it gets separated from your statement. **CASH NOT ACCEPTED. DO NO SEND CASH.**

DRAFT

Attachment F

ABANDONMENT POLICY

Draft



ABANDONMENT POLICY

ABANDONMENT AND ABANDONED PROPERTY

The Fort Wayne Housing Authority will consider a unit to be abandoned if:

- E. The tenant has failed to pay or failed to offer to pay rent due under their rental agreement; and,
- F. If the Resident and all household members are absent from the premises for seven (7) consecutive days during the Lease term or any renewal or extension period; and,
- G. Preliminary, exterior inspection by Management reveals the unit does not appear to be occupied; and,
- H. One or more utilities have been terminated.

After a preliminary determination of abandonment has been made, Management will attach **Notice of Entry** to the door of said apartment. If there is no response to this Notice of Entry, **after forty-eight (48) hours**, Management will enter and inspect the unit. If it is determined that all or most of the Resident's property has been removed, Management will take possession of the apartment, provided that the rent still remains unpaid or utilities have been terminated.

A move-out inspection will be conducted and charges assessed for any rehabilitation costs for items determined to be over and above normal wear and tear.

SALE OF PROPERTY

Any possessions left in tenant's abandoned apartment will be removed and stored by Management, at the expense of the Resident. There shall be no sale or disposition of any of the foregoing property except pursuant to this Lease as follows:

1. Any sale of Resident's abandoned property under this Lease shall take place only after a thirty (30) day written notice before the date of the sale is sent first class certified mail and return receipt requested to Resident at Resident's last known address.

Included in the notice:

- a. Date, time, and place of the sale
 - b. Itemized account of the amount owed by the resident to the landlord
 - c. Name, address, and telephone number of the person the resident may contact regarding the sale, the amount owed, and the right of the resident to redeem the property
2. Sale will be public and subject to any recorded chattel mortgage or financing statement.
 3. Sale shall be to the highest cash bidder

4. Proceeds shall first be credited to cost of sale and then to indebtedness; and surplus shall be mailed to the Resident at his/her forwarding or last known address not later than the 30th day after the date of the sale. The landlord shall provide the resident with an accounting of all proceeds of the sale not later than the 30th day after the date on which the resident makes a written request for the accounting.
5. The resident may redeem the property at any time before the property is sold by paying to the landlord or the landlord's agent all delinquent rents and, if authorized in the written lease, all reasonable packing, moving, storage, and sale costs.
6. Nothing in this policy shall limit Management office of the landlord/agent/PHA's right to immediately dispose of trash or other property appearing to have no value.
7. Pet removal will be pursuant to the Pet Policy.

Attachment G

Maintenance Charge Items

MAINTENANCE CHARGE ITEMS

REPAINTING				
	YEAR 1	YEAR 2	YEAR 3	YEAR 4
	\$	\$	\$	
1 BEDROOM UNIT	150.00	100.00	50.00	\$0
2 BEDROOM UNIT	240.00	160.00	80.00	\$0
3 BEDROOM UNIT	375.00	250.00	125.00	\$0
4 BEDROOM UNIT	480.00	320.00	160.00	\$0
5 BEDROOM UNIT	600.00	400.00	200.00	\$0
CLEANING OF UNIT				
	\$			
1 BEDROOM	50.00			
	\$			
2 BEDROOM	75.00			
	\$			
3 BEDROOM	100.00			
	\$			
4 BEDROOM	125.00			
	\$			
5 BEDROOM	150.00			
CLEANING OF APPLIANCES				
	\$			
REFRIGERATOR	40.00			
	\$			
STOVE	40.00			
	\$			
RANGE HOOD	15.00			

CLEANING OF CARPET	
PER ROOM CHARGE	\$ 35.00
REPLACE CARPET	
LIVING ROOM	\$ 300.00
BEDROOM	\$ 200.00
REPLACE VCT TILE	
PER EACH TILE	\$ 4.00
REPLACE WINDOW ITEMS	
TOTAL SASH REPLACEMENT	\$ 100.00
SASH GLASS REPLACEMENT	\$ 50.00
SCREEN MATERIAL	\$ 15.00
ENTIRE SCREEN	\$ 25.00
STORM WINDOWS	\$ 25.00
FIXED PICTURE WINDOW	\$ 200.00
MINI BLINDS BEDROOM SIZE	\$ 20.00
VERTICAL BLINDS	\$ 65.00
REPLACE DOOR ITEMS	
STORM DOOR	\$ 190.00
ENTRY DOOR STEEL	\$ 290.00
ENTRY DOOR FIRE RATED WOOD	\$ 450.00

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INTERIOR DOOR	\$ 90.00
REPAIR HOLE IN DOOR UP TO 2"	\$ 20.00
INTERIOR DOOR HANDLE SET	\$ 45.00
ENTRY DOOR LOCKSET	\$ 75.00
DEAD BOLT	\$ 25.00
REPLACE STORM DOOR KICK PANEL	\$ 40.00
STORM DOOR CLOSER	\$ 25.00
REPLACE WIND CHAIN	\$ 15.00
STORM DOOR HANDLE SET	\$ 25.00
PATIO DOOR	\$ 475.00
PATIO DOOR GLASS	\$ 100.00
PATIO DOOR SCREEN	\$ 50.00
REPLACE GARAGE OVERHEAD DOOR	\$ 400.00
WALL REPAIRS	
HOLE REPAIR UP TO 2"	\$ 15.00
HOLE REPAIR UP TO 6"	\$ 20.00
HOLE REPAIR UP TO 12"	\$ 25.00
HOLE REPAIR UP TO 24"	\$ 35.00
REMOVE PAPER BORDER PER ROOM	\$ 35.00
REMOVE CRAYON/MARKER PER ROOM	\$ 25.00
REMOVE STICKERS/DECALS PER ROOM	\$ 25.00
REPLACE COVE BASE PER FOOT	\$ 2.50
BATHROOM FIXTURES	

	\$
REPLACE TOWEL BAR	15.00
	\$
TISSUE ROLL HOLDER	3.00
	\$
REPLACE SHOWER CURTAIN	15.00
	\$
REPLACE SHOWER HEAD	15.00
	\$
REPLACE TISSUE HOLDER	10.00
	\$
REPLACE P-TRAP	20.00
	\$
REPLACE LAVATORY FAUCET	65.00
	\$
REPLACE VANITY SINK BASE	185.00
	\$
REPLACE TOILET NON-ADA	200.00
	\$
REPLACE TOILET ADA	300.00
	\$
REPLACE TOILET PRESSURE ASSISTED	650.00
	\$
REPLACE TOILET TANK/LID	100.00
	\$
REPLACE CERAMIC TILE SOAP DISH	25.00
	\$
REFINISH TUB	300.00
	\$
REPLACE MIRROR ON MEDICINE CABINET	15.00
	\$
REPLACE MEDICINE CABINET	65.00
	\$
REPLACE TUB/SINK STOPPER	5.00
	\$
REPLACE TUB FAUCET	85.00
	\$
REPLACE LIGHT BAR	45.00
	\$
REPLACE LIGHT BULBS EACH	3.00
KITCHEN FIXTURES	
	\$
REPLACE REFRIGERATOR	350.00
	\$
REPLACE STOVE GAS	

	325.00
	\$
REPLACE STOVE ELECTRIC	300.00
	\$
REPLACE REFRIGERATOR SHELF	45.00
	\$
REPLACE REFRIGERATOR CRISPER	45.00
	\$
REPLACE REFRIGERATOR DOOR BAR	20.00
	\$
REPLACE REFRIGERATOR SEALS	85.00
	\$
REPLACE REFRIGERATOR DOOR HANDLE	55.00
	\$
REPLACE ICE CUBE TRAY	3.00
	\$
REPLACE APPLIANCE BULB	3.00
	\$
REPLACE STOVE GRATE	10.00
	\$
REPLACE BROILER PAN	35.00
	\$
REPLACE OVEN DOOR	175.00
	\$
REPLACE KNOBS EACH	5.00
	\$
REPLACE DISHWASHER	275.00
	\$
REPLACE RANGE HOOD	65.00
	\$
REPLACE RANGE HOOD SCREEN	10.00
	\$
REPLACE RANGE HOOD LIGHT GUARD	5.00
	\$
REPLACE RANGE HOOD LIGHT BULB	3.00
	\$
REPLACE GARBAGE DISPOSAL	150.00
	\$
REPLACE KITCHEN FAUCET	65.00
	\$
REPLACE SINK	150.00
	\$
REPLACE SINK STRAINER	7.00
	\$
REPLACE COUNTERTOP	300.00
	\$
REPLACE CABINET DOOR	65.00
	\$
REPLACE CABINET SHELF	15.00

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REPLACE DRAWER FRONT	\$ 45.00
REPLACE DRAWER	\$ 75.00
REPLACE CABINET UPPER	\$ 200.00
REPLACE CABINET BASE	\$ 300.00
REPLACE COUNTERTOP END CAP	\$ 20.00
REPLACE CABINET HARDWARE	\$ 7.00
ELECTRICAL FIXTURES	
REPLACE GFI OUTLET	\$ 15.00
REPLACE OUTLET	\$ 10.00
REPLACE OUTLET COVER PLATE	\$ 5.00
REPLACE LIGHT SWITCH	\$ 3.00
REPLACE SWITCH PLATE COVER	\$ 5.00
REPLACE PORCH LIGHT	\$ 25.00
REPLACE UNDER CABINET LIGHT	\$ 25.00
REPLACE BEDROOM LIGHT	\$ 25.00
REPLACE HALL LIGHT	\$ 25.00
REPLACE WALL LIGHT	\$ 25.00
REPLACE KITCHEN LIGHT FIXTURE	\$ 25.00
REPLACE SMOKE DETECTOR	\$ 25.00
REPLACE THERMOSTAT	\$ 45.00
MISC HARDWARE	
REPLACE STAIR WAY HANDRAIL	\$ 40.00

REPAIR STAIR WAY HANDRAIL	\$ 20.00
REPLACE STAIR TREAD	\$ 25.00
REPLACE MAILBOX	\$ 45.00
REPLACE CLOSET ROD	\$ 15.00
REPLACE CLOSET SHELF	\$ 25.00
REPLACE DOOR STOP	\$ 5.00
REPLACE TOILET BOLT CAPS	\$ 3.00
REPLACE TOILET SEAT	\$ 15.00
REPLACE SHOWER ROD	\$ 20.00
REPLACE SHOWER CURTAIN	\$ 15.00
REPLACE FURNACE RETURN GRATE	\$ 15.00
REPLACE FLOOR REGISTER	\$ 15.00
REPLACE CEILING REGISTER	\$ 15.00
REPLACE SPLASH BLOCK	\$ 10.00
SERVICE WORK	
LOCK OUT FEE ON CALL STAFF	\$ 40.00
LOCK OUT FEE TURN KEY	\$ 10.00
CHANGE LOCKS HI-RISE	\$ 50.00
CHANGE LOCKS NON HI-RISE	\$ 65.00
CUT ADDITIONAL KEYS EACH	\$ 10.00
REPLACE ID BADGE	\$ 10.00
REPLACE BATTERY SMOKE DETECTOR	\$ 5.00
REHANG SMOKE DETECTOR	\$ 25.00
UNPLUG TOILET	\$

*THE HOUSING AUTHORITY OF THE CITY OF FORT WAYNE, INDIANA
ADMISSIONS AND OCCUPANCY POLICY
EFFECTIVE JULY 1, 2007*

Attachment H

Fire/Smoke Detector Notice

NOTICE

FORT WAYNE HOUSING AUTHORITY TENANTS

It is illegal to remove or disable any Fire/Smoke detection device in any dwelling place in the owned or operated by the Fort Wayne Housing Authority.

Any dwelling unit found to have any such device removed or disabled will result in that tenant being subject to the following charges and or penalties:

FIRST OFFENSE:

1. **\$25.00** CHARGE WILL BE ASSESSED FOR REMOVING OR DISABLING THE DEVICE FOR **ANY** REASON
2. **\$25.00** CHARGE TO REINSTALL THE DEVICE
3. **\$25.00** REPLACEMENT FEE IF BROKEN OR DAMAGED

SECOND OFFENSE:

1. **\$50.00** CHARGE WILL BE ASSESSED FOR REMOVING OR DISABLING DEVICE FOR **ANY** REASON
2. **\$25.00** CHARGE TO REINSTALL THE DEVICE
3. **\$25.00** REPLACEMENT FEE IF BROKEN OR DAMAGED

THIRD OFFENSE:

- **EVICTION** FOR ENDANGERING THE HEALTH AND SAFETY OF OTHER RESIDENTS AND/OR PROPERTY OF THE FORT WAYNE HOUSING AUTHORITY

The FWHA is committed to fire safety. Please help us maintain our fire safety systems to help protect you and your family. If you are aware of a problem with your smoke detector, please call our Maintenance department at 449-7821 or 460-4647 after hours for service.

Attachment I

PUBLIC HOUSING GRIEVANCE PROCEDURE

1.0 RIGHT TO A HEARING

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

2.0 DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions are applicable:

- A. **"Grievance"** shall mean any dispute which a resident may have with respect to the FORT WAYNE Housing Authority's action or failure to act in accordance with the individual resident's lease or Authority regulations which adversely affect the individual resident's rights, duties, welfare or status. Grievance does not include any dispute a resident may have with the Authority concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees of the Authority; or any violent or drug-related criminal activity on or near such premises. Nor shall this process apply to disputes between residents not involving the FORT WAYNE Housing Authority or to class grievances.
- B. **"Complainant"** shall mean any resident whose grievance is presented to the FORT WAYNE Housing Authority or at the development management office in accordance with sections 3.0 and 4.0 of this procedure.
- C. **"Elements of Due Process"** shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
 - 1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
 - 2. Right of the resident to be represented by counsel;
 - 3. Opportunity for the resident to refute the evidence presented by the

Authority including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and

4. A decision on the merits.
- D. **"Hearing Officer"** shall mean a person selected in accordance with section 4.0 of these procedures to hear grievances and render a decision with respect thereto.
- E. **"Resident"** shall mean the adult person (or persons) other than a live-in aide:
1. Who resides in the unit and who executed the lease with the FORT WAYNE Housing Authority as lessee of the premises, or, if no such person now resides in the premises,
 2. Who resides in the unit and who is the remaining head of household of the resident family residing in the unit.
- F. **"Resident Organization"** includes a resident management corporation.
- G. **"Promptly"** (as used in section 3.0, and 4.0 (D)), shall mean within the time period indicated in a notice from FORT WAYNE Housing Authority of a proposed action which would provide the basis for a grievance if the resident has received a notice of a proposed action from the agency.

3.0 PROCEDURES PRIOR TO A HEARING

Any grievance shall be promptly and personally presented, either orally or in writing, to the FORT WAYNE Housing Authority office or to the office of the development in which the resident resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within fourteen (14) calendar days and one copy shall be given to the resident and one retained in the Authority's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefor, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.

4.0 PROCEDURES TO OBTAIN A HEARING

4.1 REQUEST FOR HEARING

The resident shall submit a written request for a hearing to the Authority or the development office within fourteen (14) calendar days from the date of the mailing of the summary of the discussion pursuant to section 3.0. The written request shall specify:

- A. The reasons for the grievance; and
- B. The action or relief sought.

4.2 SELECTION OF A HEARING OFFICER

A grievance hearing shall be conducted by an impartial person appointed by the FORT WAYNE Housing Authority other than a person who made or approved the action under review or a subordinate of such person.

The FORT WAYNE Housing Authority shall annually submit a list of prospective hearing officers. This list shall be provided to any existing resident organization(s) for such organization's comments or recommendations. The FORT WAYNE Housing Authority shall consider any comments or recommendations by a resident organization.

From this list, a hearing officer shall be selected.

4.3 FAILURE TO REQUEST A HEARING

If the resident does not request a hearing in accordance with this section, then the FORT WAYNE Housing Authority's disposition of the grievance under section 3.0 shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the FORT WAYNE Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.

4.4 HEARING PREREQUISITE

All grievances shall be promptly presented in person, either orally or in writing, pursuant to the informal procedure prescribed in section 3.0 as a condition precedent to a hearing under this Section. However, if the resident can show good cause why there was failure to proceed in accordance with section 3.0 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

4.5 ESCROW DEPOSIT

Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the FORT WAYNE Housing Authority claims is due, the resident shall pay to the FORT WAYNE Housing Authority an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The resident shall thereafter deposit monthly the same amount of

the monthly rent in an escrow account held by the FORT WAYNE Housing Authority until the complaint is resolved by decision of the Hearing Officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, the FORT WAYNE Housing Authority may waive these requirements. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. However, failure to make payment shall not constitute a waiver of any right the resident may have to contest the FORT WAYNE Housing Authority's disposition of his grievance in any appropriate judicial proceeding.

4.6 SCHEDULING OF HEARINGS

Upon the resident's compliance with this section the Hearing Officer shall promptly schedule a hearing for a time and place reasonably convenient to both the resident and the FORT WAYNE Housing Authority. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

5.0 PROCEDURES GOVERNING THE HEARING

The resident shall be afforded a fair hearing, which shall include:

- A. The opportunity to examine before the grievance hearing any Authority documents, including records and regulations that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the FORT WAYNE Housing Authority does not make the document available for examination upon request by the resident, the FORT WAYNE Housing Authority may not rely on such document at the grievance hearing.
- B. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;
- C. The right to a private hearing unless the resident requests a public hearing;
- D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Authority or development management, and to confront and cross examine all witnesses upon whose testimony or information the FORT WAYNE Housing Authority or development management relies; and
- E. A decision based solely and exclusively upon the facts presented at the hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the resident or Authority fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the FORT WAYNE Housing Authority and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodation will be made for persons with disabilities:

- A. The FORT WAYNE Housing Authority shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.
- B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

6.0 INFORMAL HEARING PROCEDURES FOR DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS

The participant family may request that the FORT WAYNE Housing Authority provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

7.0 DECISION OF THE HEARING OFFICER

The Hearing Officer shall prepare a written decision, together with the reasons therefor, within fourteen (14) calendar days after the hearing. A copy of the decision shall be sent to the resident and the FORT WAYNE Housing Authority. The Authority shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the FORT WAYNE Housing Authority and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be binding on the FORT WAYNE Housing Authority who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the FORT WAYNE Housing Authority's Board of Commissioners determines within reasonable time, and promptly notifies the complainant of its determination, that:

- A. The grievance does not concern FORT WAYNE Housing Authority action or failure to act in accordance with or involving the resident's lease or Authority regulations, which adversely affect the resident's rights, duties, welfare or status;
- B. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements of the Annual Contributions Contract between the Authority and the U.S. Department of Housing and Urban Development.

A decision by the Hearing Officer or Board of Commissioners in favor of the FORT WAYNE Housing Authority or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial do novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

Draft



ADMISSIONS AND CONTINUED OCCUPANCY POLICY
FOR THE
PUBLIC HOUSING PROGRAM

May 1, 2005

Revision Date	
February 1, 2006	
October 1, 2006	

Approved by the PHA Board of Commissioners:

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Introduction

ABOUT THE MODEL ACOP

HOW TO USE THE MODEL ACOP

The model ACOP includes recommended language for each area in which the PHA has discretion or flexibility to adopt its own policies. To make the editing process easier, the model ACOP contains only **one version** of each policy – generally HUD’s safe harbor policy or the policy that seems to be common to most PHAs. *This means that if the model policy language works for your PHA, no cutting and pasting is required.*

HUD regulations and other requirements are described in detail in the model ACOP with appropriate citations. They are also summarized in the policy guide as needed to assist in making decisions.

The Policy Guide and Instructions

The policy guide is a decision-making tool for PHA policy makers. You can use the guide as a checklist for evaluating your compliance with HUD requirements and for making decisions about local policies. PHA decision points are identified throughout this document with this symbol:



The policy guide provides recommended language and policy options and explains why the recommended language is used in the model ACOP.

- If you decide to adopt an alternative policy, you may edit or delete the NMA-provided language in the model ACOP, cut and paste another option from the policy guide, or develop and type in your own wording.

Before starting work on the revision, print out the Acrobat PDF files of the model ACOP pages and policy guide for each chapter. Read through the model policy and review the decision points in the policy guide to determine if you want to make any changes to the model ACOP. After you have edited the model ACOP, print out the revised chapter to update your hard copy and, and edit the table of contents (TOC) file if necessary to update the TOC for your ACOP.

Working with the Computer Files

On your hard drive or network drive, set up a *subdirectory* (such as ACOPrev) for the ACOP revision in your ACOP or other directory in which you keep your documents. Copy the files for the policy document and the guide chapters from the CD-ROM into that directory and use them as your working files. Store your CD-ROM in a safe place.

ABOUT THE MODEL ACOP AND THE PUBLIC HOUSING LEASE

PHA policy must be consistent with the public housing lease and any policy documents provided to tenants, and the lease and policy documents must comply with federal and state law.

The model ACOP contains policies that reflect the terms of your public housing lease. Policies on a particular topic may be included in the public housing lease, or may be a separate document incorporated in the lease by reference, such as a pet policy or transfer policy.

Because of variations in state and local landlord-tenant law, and because HUD affords PHAs wide discretion in some areas, a broad range of policies could be acceptable. Only a few of these compliant policies can be listed in the model ACOP.

If you are assured that your current Board-approved public housing lease or separate policy document is up-to-date and is compliant with HUD requirements and with federal, state, and local laws, then it is neither necessary nor advisable to revise the terms of your lease or policy document to match default policies in the model ACOP. Instead, you should edit the model ACOP to match the terms of your existing public housing lease.

REFERENCES CITED IN THE MODEL ACOP

Authority for PHA policies is derived from many sources. Primary among these sources are regulations and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to PHA policy. Finally, the public housing lease will affect PHA policy and therefore must be consistent with federal and state laws and regulations.

HUD

HUD provides the primary source of PHA policy through federal regulations, HUD Notices and handbooks. Compliance with federal regulations, current HUD Notices and HUD handbooks is mandatory.

HUD provides nonmandatory guidance to PHAs through HUD published guidebooks. Expired HUD Notices and handbooks also provide guidance for PHA policy. Following HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is inconsistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a "safe harbor."

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

State Law

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. An industry practice is a way of doing things that is followed by most housing authorities.

RESOURCES CITED IN THE MODEL ACOP

The model ACOP cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the model ACOP may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the ACOP, and a list of references and document locations that are referenced in the model ACOP or that may be helpful to you.

Abbreviations

Throughout the model ACOP, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited by the model ACOP.

Abbreviation	Document
CFR	Code of Federal Regulations
HCV GB	Housing Choice Voucher Program Guidebook (7420.10G), April 2001.
HUD-50058 IB	HUD-50058 Instruction Booklet
PH OCC GB	Public Housing Occupancy Guidebook, June 2003.
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions.
VG	PIH Notice 2004-01 Verification Guidance, March 9, 2004.

Resources and Where to Find Them

Following is a list of resources helpful to the PHA or referenced in the model ACOP, and the online location of each.

Document and Location
Code of Federal Regulations www.access.gpo.gov/nara/cfr/index.html
Earned Income Disregard FAQ www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm
Enterprise Income Verification (EIV) System PHA Security Procedures, Version 1.2, issued January 2005 http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/eivsecguidepha.pdf
Executive Order 11063 http://www.hud.gov/offices/fheo/FHLaws/EXO11063.cfm
Federal Register http://www.access.gpo.gov/su_docs/aces/fr-cont.html
General Income and Rent Determination FAQ www.hud.gov/offices/pih/programs/ph/rhiip/faq_gird.cfm
Housing Choice Voucher Program Guidebook (7420.10G), April 2001. www.hud.gov/offices/pih/programs/hcv/forms/guidebook.cfm
HUD Guidelines for Projecting Annual Income When Upfront Income Verification (UIV) Data is Available http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/guideprojincome.doc
HUD-50058 Instruction Booklet http://www.hud.gov/offices/pih/systems/pic/50058/pubs/ib/form50058ib.pdf
Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 http://www.hud.gov/offices/fheo/library/hud DOJstatement.pdf
Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 http://www.hudclips.org/sub_nonhud/cgi/pdf/31267.pdf

OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133/a133.html
PIH Notice 2002-01 (HA), Accessibility Notice http://www.hud.gov/offices/pih/publications/notices/02/pih2002-1.pdf
PIH Notice 2004-01 Verification Guidance, March 9, 2004. www.hud.gov/offices/pih/publications/notices/04/pih2004-1.pdf
PIH Notice 2005-7 (HA), Rental Integrity Monitoring (RIM) Disallowed Costs and Sanctions Under the Rental Housing Integrity Improvement Project (RHIIP) Initiative http://www.hud.gov/offices/pih/publications/notices/05/pih2005-7.pdf
Public Housing Occupancy Guidebook, June 2003. www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm
Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions. www.hud.gov/offices/pih/programs/ph/rhiip/faq.cfm
Verification FAQ www.hud.gov/offices/pih/programs/ph/rhiip/faq_verif.cfm

The HUD website is <http://www.hud.gov/index.html>.

Guidebooks, handbooks and other HUD published and federal resources may be found at the HUDClips website: www.hudclips.org.

Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The PHA receives its operating subsidy for the public housing program from the Department of Housing and Urban Development. The PHA is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The PHA enters into an Annual Contributions Contract with HUD to administer the public housing program. The PHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the PHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the PHA, its jurisdiction, its programs, and its mission and intent.

Part II: The Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE PHA

1-I.A. OVERVIEW

This part describes the PHA's creation and authorization, the general structure of the organization, and the relationship between the PHA Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE PHA

Public housing is funded by the federal government and administered by the [Insert PHA name] for the jurisdiction of [Insert jurisdiction name: City of _____ / County of _____ / Other].

PHAs are governed by a board of officials that are generally called “commissioners.” Although some PHAs may use a different title for their officials, this document will hitherto refer to the “board of commissioners” or the “board” when discussing the board of governing officials.

Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The board of commissioners establishes policies under which the PHA conducts business, and ensures that those policies are followed by PHA staff. The board is responsible for preserving and expanding the agency’s resources and assuring the agency’s continued viability and success.

Formal actions of the PHA are taken through written resolutions, adopted by the board and entered into the official records of the PHA.

The principal staff member of the PHA is the executive director (ED), who is selected and hired by the board. The ED oversees the day to day operations of the PHA and is directly responsible for carrying out the policies established by the commissioners. The ED’s duties include hiring, training, and supervising the PHA’s staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates. In some PHAs, the ED is known by another title, such as chief executive officer or president.

1-I.C. PHA MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

PHA Policy

The PHA's mission is to provide safe, decent and sanitary housing conditions for very low-income families and to manage resources efficiently. The PHA is to promote personal, economic and social upward mobility to provide families the opportunity to make the transition from subsidized to non-subsidized housing.

1-I.D. THE PHA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the PHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, the PHA resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low- and low-income families.
- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.
- Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.
- Create positive public awareness and expand the level of family and community support in accomplishing the PHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the PHA's support systems and commitment to our employees and their development.

The PHA will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff an overview of the history and operation of public housing.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the PHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the PHA. The PHA must create written policies that are consistent with HUD regulations. Among these policies is the PHA's Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the board of commissioners of the PHA.

The job of the PHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The PHA screens applicants for public housing and, if they are found eligible and accepted, the PHA offers the applicant a unit. If the applicant accepts the offer, the PHA will enter into a contract with the applicant known as the lease. At this point, the applicant becomes a tenant of the public housing program.

In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide who (1) executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit. [24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as "residents." The terms "tenant" and "resident" are used interchangeably in this policy. Additionally, this policy uses the term "family" or "families" for residents or applicants, depending on context.

Since the PHA owns the public housing development, the PHA is the landlord. The PHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and PHA policy.

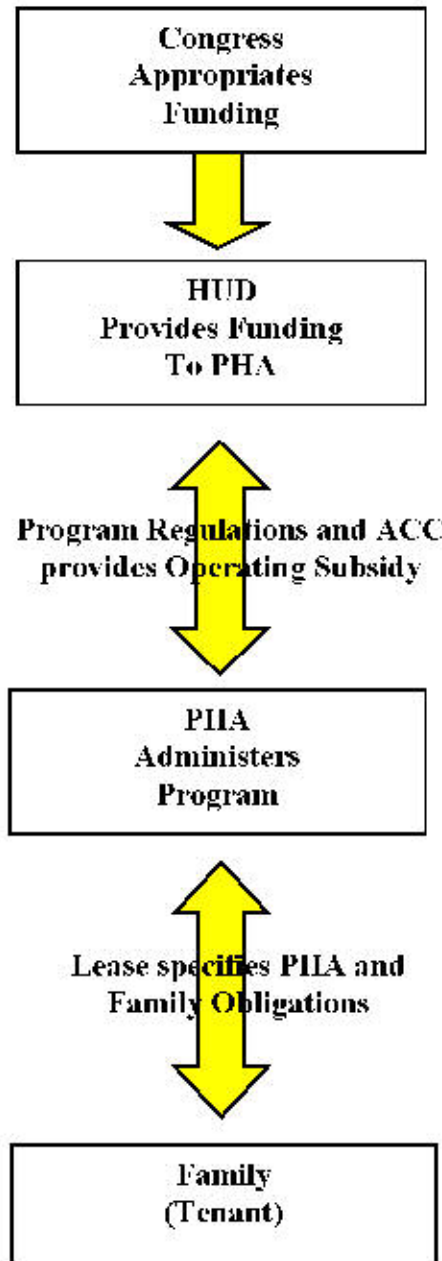
1-II.C. PUBLIC HOUSING PARTNERSHIPS

Relationships between the important parties are defined by federal regulations and by contract. To administer the public housing program, the PHA enters into a contractual relationship with HUD through the ACC. The PHA also enters into a contractual relationship with the tenant through the public housing lease. These contracts outline the roles and responsibilities of each party.

Federal regulations further identify the important roles of the parties involved. For the program to work and be successful, all parties involved – HUD, the PHA, and the tenant – must play their important parts.

The chart on the following page illustrates key aspects of these relationships.

The Public Housing Relationships



What does HUD do?

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement housing legislation passed by Congress
- Allocate operating subsidies to PHAs
- Allocate capital funding to PHAs
- Provide technical assistance to PHAs on interpreting and applying program requirements
- Monitor PHA compliance with program requirements and PHA performance in program administration.

What does the PHA do?

The PHA's responsibilities originate in federal regulations and the ACC. The PHA owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

- Establish local policies
- Review applications from interested applicant families to determine whether applicants are eligible for the program
- Maintain waiting list and select families for admission
- Maintain housing units by making any necessary repairs in a timely manner
- Screen families who apply for tenancy, to determine if they will be good renters
- Offer units to families (minimize vacancies without overcrowding)
- Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)
- Make sure the PHA has adequate financial resources to maintain its housing stock
- Ensure that families continue to qualify under the program
- Collect rent due from the assisted family and comply with and enforce provisions of the lease
- Ensure that families comply with program rules
- Provide families with prompt and professional service
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the PHA's ACOP, and other applicable federal, state and local laws.

What does the Tenant do?

The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

- Comply with the terms of the lease
- Provide the PHA with complete and accurate information, determined by the PHA to be necessary for administration of the program
- Cooperate in attending all appointments scheduled by the PHA
- Allow the PHA to inspect the unit at reasonable times and after reasonable notice
- Take responsibility for care of the housing unit, including any violations of uniform physical condition standards caused by the family
- Not engage in drug-related or violent criminal activity
- Notify the PHA before moving or termination of the lease
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease
- Promptly notify the PHA of any changes in family composition
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is the PHA's written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP is required by HUD and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in the PHA's Agency Plan.

All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. The PHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. CONTENTS OF THE POLICY

Unlike the housing choice voucher program, HUD regulations for public housing do not contain a list of what must be included in the ACOP. However, individual regulations contain requirements of inclusion in the PHA's written policy. At a minimum, the ACOP plan should cover PHA policies on these subjects:

- The organization of the waiting list and how families are selected and offered available units, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapters 4 and 5)
- Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12)
- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed (Chapters 3 and 5)
- Procedures for verifying the information the family has provided (Chapter 7)
- The method for achieving deconcentration of poverty and income-mixing of public housing developments (Chapter 4)
- Grievance procedures (Chapter 14)
- Policies concerning payment by a family to the PHA of amounts the family owes the PHA (Chapter 15 and 16)
- Interim redeterminations of family income and composition (Chapter 9)
- Policies regarding community service requirements; (Chapter 11)
- Policies and rules about safety and ownership of pets in public housing (Chapter 10).

New Approach to Policy Development

HUD has developed an approach to monitoring policy that emphasizes the importance of consistency. The ACOP supports that goal by clearly defining PHA policy for PHA management and staff.

A primary focus of programs like HUD's Rental Integrity Monitoring (RIM) program has been consistency in how PHAs conduct their business and in how HUD monitors PHA activities. HUD has made it clear that consistency in PHA conduct is important. Referring to and following the ACOP is essential to maintaining consistency in applying PHA policy.

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the PHA has adopted. The PHA's Admissions and Continued Occupancy Policy is the document that contains and clarifies PHA policy. HUD's new direction adds additional emphasis to the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy.

HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. Therefore, following HUD guidance in the preparation of PHA policy, even though it is not mandatory, provides a PHA with a "safe harbor." If a PHA adopts its own optional policy, it must make its own determination that such policy is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than that suggested by HUD, but PHAs should carefully think through those decisions and be able to articulate how their policy is consistent with federal laws, regulations and mandatory policy.

1-III.C. UPDATING AND REVISING THE POLICY

The PHA will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes must be approved by the board of commissioners of the PHA, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

PHA Policy

The PHA will review and update the ACOP at least once a year, and more often if needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the PHA's public housing operations.

This chapter describes HUD regulations and PHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the PHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the PHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates HUD's Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal Register* ("Notice of Guidance").

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

PHA Policy

No state or local nondiscrimination laws or ordinances apply.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

PHA Policy

The PHA will not discriminate on the basis of marital status or sexual orientation.

The PHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

The PHA must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the PHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints

If an applicant or tenant family believes that any family member has been discriminated against by the PHA, the family should advise the PHA. HUD requires the PHA to make every reasonable attempt to determine whether the applicant's or tenant family's assertions have merit and take any warranted corrective action.

PHA Policy

Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the PHA either orally or in writing.

The PHA will attempt to remedy discrimination complaints made against the PHA.

The PHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The PHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

PHA Policy

The PHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

A specific name and phone number will be indicated as the contact for requests for accommodation for persons with disabilities.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies practices and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act .

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), the PHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a PHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit.
- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.

If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability.

PHA Policy

The PHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the PHA's programs and services.

If a person's disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

The PHA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's operations.

Requests for accommodations must be assessed on a case-by case basis. The determination of undue financial and administrative burden must be made on a case-by case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

PHA Policy

After a request for an accommodation is presented, the PHA will respond, in writing, within 10 business days.

If the PHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the PHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), the PHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If the PHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the PHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the PHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the PHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

PHA Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following.

- PIH 2002-01 (HA), Accessibility Notice
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The PHA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern the PHA's responsibilities with regard to physical accessibility.
- Notice PIH 2002-01(HA) Accessibility Notice (which must be posted in the public housing offices in a conspicuous place) summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- The PHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of PHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A PHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7].

When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the PHA's grievance process [24 CFR 966.4(1)(3)(ii)].

When reviewing reasonable accommodation requests, the PHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to the PHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation [24 CFR 966.7].

In addition, the PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal Register*.

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

2-III.B. ORAL INTERPRETATION

In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent interpretation services free of charge to the LEP person.

PHA Policy

The PHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible, the PHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents. Where feasible and possible, the PHA will encourage the use of qualified community volunteers.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The interpreter may be a family member or friend.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

PHA Policy

In order to comply with written-translation obligations, the PHA will take the following steps:

The PHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, the PHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the PHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the PHA's public housing program and services.

PHA Policy

If it is determined that the PHA serves very few LEP persons, and the PHA has very limited resources, the PHA will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If the PHA determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major live activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 3

ELIGIBILITY

INTRODUCTION

The PHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the PHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program:

- The applicant family must:
 - Qualify as a family as defined by HUD and the PHA.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for family members as required.
 - Consent to the PHA's collection and use of family information as provided for in PHA-provided consent forms.
- The PHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the PHA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and PHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the PHA to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-1.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-1.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13]

The terms *family* and *household* have different meanings in the public housing program.

Family

To be eligible for admission, an applicant must qualify as a family. A family may be a single person or a group of persons. *Family* as defined by HUD includes a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person. The PHA has the discretion to determine if any other group of persons qualifies as a family.

PHA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

Household

Household is a broader term that includes additional people who, with the PHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up

PHA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, the PHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the PHA will determine which family retains their placement on the waiting list, or will continue in occupancy taking into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ GB, p. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family. If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on “Caretakers for a Child.”

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

PHA Policy

The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT

A family may have a spouse or cohead, but not both [HUD-50058 IB, p. 13].

Spouse means the marriage partner of the head of household.

PHA Policy

A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *cohead* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one cohead.

PHA Policy

Minors who are emancipated under state law may be designated as a cohead.

Other adult means a family member, other than the head, spouse, or cohead, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

3-I.F. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

Joint Custody of Dependents

PHA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the PHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution. Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or cohead, qualifies the family for a dependent deduction and (2) the income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY

Elderly Persons

An *elderly person* is a person who is at least 62 years of age [24 CFR 5.100].

Near-Elderly Persons

A *near-elderly person* is a person who is at least 50 years of age but below the age of 62 [24 CFR 945.105].

Elderly Family

An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person [24 CFR 5.403]. Identifying elderly families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403]

Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, the PHA must make all aspects of the public housing program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse, or cohead is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the PHA from denying admission for reasons related to alcohol and drug abuse following policies found in Part III of this chapter, or from enforcing the lease following the policies in Chapter 13.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

PHA Policy

A resident family must notify the PHA when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12 month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

PHA Policy

A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, and illness.

Definitions of Temporarily and Permanently Absent

PHA Policy

Generally an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

PHA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the PHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

PHA Policy

If a child has been placed in foster care, the PHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or CoheadPHA Policy

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical ReasonsPHA Policy

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the PHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family MembersPHA Policy

The family must request PHA approval for the return of any adult family members that the PHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

PHA Policy

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional of the family's choosing, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

The PHA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 966.4(d)(3)(i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person has a history of drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, the PHA will notify the family of its decision in writing.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustments for family size.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to the PHA's public housing program during a PHA fiscal year from the PHA waiting list must be *extremely low-income* families. This is called the "basic targeting requirement".

If admissions of extremely low-income families to the PHA's housing choice voucher program during a PHA fiscal year exceed the 75 percent minimum targeting requirement for that program, such excess shall be credited against the PHA's public housing basic targeting requirement for the same fiscal year.

The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

- Ten percent of public housing waiting list admissions during the PHA fiscal year
- Ten percent of waiting list admission to the PHA's housing choice voucher program during the PHA fiscal year
- The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

For discussion of how income targeting is used in tenant selection, see Chapter 4.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the PHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the PHA to request additional documentation of their status, such as a passport.

PHA Policy

Family members who declare citizenship or national status will not be required to provide additional documentation unless the PHA receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with PHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. The PHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

A PHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by the PHA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

PHA Policy

The PHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.

When a PHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the PHA. The informal hearing with the PHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in Chapter 14.

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the resident family the PHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, the PHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

PHA Policy

The PHA will verify the status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218]

For every family member age 6 or older the family must provide documentation of a valid Social Security Number (SSN) or a certification stating that no SSN has been issued. If a family member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual's parent or guardian [24 CFR 5.216(j)]. Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 7.

If a new member who is at least six years of age is added to the family, the new member's SSN documentation must be submitted at the family's next interim or regular reexamination, whichever comes first. If any member of the family who is at least six years of age obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted at the family's next regularly scheduled reexamination.

The PHA must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/

Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

The PHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow the PHA to obtain information that the PHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied admission. In addition, HUD requires or permits the PHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The PHA's authority in this area is limited by the Violence against Women Reauthorization Act of 2005 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking.

This part covers the following topics:

- Required denial of admission
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, or stalking
- Notice of eligibility or denial

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

PHAs are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the PHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits but does not require the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

PHA Policy

The PHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 3 years for drug-related criminal activity, if the PHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the PHA, or the person who committed the crime is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

PHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

PHA Policy

In determining reasonable cause, the PHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits, but does not require the PHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203 (b) and (c)]

Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points.

The PHA is responsible for screening family behavior and suitability for tenancy. In doing so, the PHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

PHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of PHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past 5 years. A conviction for such activity will be given more weight than an arrest or an eviction.

In making its decision to deny assistance, the PHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]

HUD authorizes the PHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, the PHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3-III.F, the PHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, or stalking.

PHA Policy

The PHA will deny admission to an applicant family if the PHA determines that the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past five years

- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants

- Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances)

- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program

- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent

- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

- Has engaged in or threatened violent or abusive behavior toward PHA personnel

 - Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

 - Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, the PHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny admission.

The PHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

3-III.D. SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

The PHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

PHA Policy

The PHA will perform criminal background checks through local law enforcement for all adult household members.

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the PHA will request a fingerprint card and will request information from the National Crime Information Center (NCIC).

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)]. If the PHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]

HUD authorizes PHAs to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the PHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or cohead regardless of age, one or more consent forms signed by such household members that 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.

Drug Abuse Treatment Facility means 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.

Currently engaging in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after the PHA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by the PHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

If the PHA chooses to obtain such information from drug abuse treatment facilities, it must adopt and implement one of the two following policies:

Policy A: The PHA must submit a request for information to a drug abuse treatment facility for all families before they are admitted. The request must be submitted for each proposed household member who is at least 18 years of age, and for each family head, spouse, or cohead regardless of age.

Policy B: The PHA must submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.

If the PHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).

PHA Policy

The PHA will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the PHA has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]

The PHA is responsible for the screening and selection of families to occupy public housing units. The PHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

PHA Policy

The PHA will consider the family's history with respect to the following factors:

Payment of rent and utilities

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Criminal activity that is a threat to the health, safety, or property of others

Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C

Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability [PH Occ GB, pp. 47-56]

PHAs have a variety of resources available to them for determination of the suitability of applicants. Generally, PHAs should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

PHA Policy

In order to determine the suitability of applicants the PHA will examine applicant history for the past five years. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent

PHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history the PHA will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide the PHA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or the utility company do not respond to requests from the PHA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

PHA and landlord references for the past five years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances. Police and court records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

A personal reference will be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant will also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors.

Home visits may be used to determine the applicant's ability to care for the unit.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

PHA Policy

The PHA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event the PHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, PHAs may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

PHA Policy

The PHA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of admission may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, or stalking.

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The PHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application [24 CFR 960.203(c)(3)(i)]

HUD permits PHAs to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which warrants denial of admission, to not reside in the unit.

PHA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

After admission to the program, the family must present evidence of the former family member's current address upon PHA request.

Reasonable Accommodation [PH Occ GB, pp. 58-60]

If the family includes a person with disabilities, the PHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

PHA Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the PHA will determine whether the behavior is related to the disability. If so, upon the family's request, the PHA will determine whether alternative measures are appropriate as a reasonable accommodation. The PHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162]

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

Definitions

As used in VAWA:

- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- The term *stalking* means:
 - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
 - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
 - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term *immediate family member* means, with respect to a person –
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person living in the household of that person and related to that person by blood and marriage.

Notification and Victim Documentation

PHA Policy

The PHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history that would warrant denial under the PHA's policies. Therefore, if the PHA makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the PHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking

One of the following:

A police or court record documenting the actual or threatened abuse

A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal hearing (see section 14-I.B) or must request an extension in writing at that time. If the applicant so requests, the PHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the PHA determines the family is eligible for assistance, no informal hearing will be scheduled and the PHA will proceed with admission of the applicant family.

Perpetrator Removal or Documentation of Rehabilitation

PHA Policy

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the PHA will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the public housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

PHA Confidentiality Requirements

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

The PHA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

PHA Policy

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the PHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the PHA to dispute the information within that 10 day period, the PHA will proceed with issuing the notice of denial of admission.

A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, or stalking are contained in Section 3-III.F.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions.

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:
 - Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months
 - In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.
- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C.6001(8)], which defines developmental disability in functional terms as:
 - A severe, chronic disability of a person 5 years of age or older which:
 - Is attributable to a mental or physical impairment or combination of mental and physical impairments
 - Is manifested before the person attains age twenty-two
 - Is likely to continue indefinitely
 - Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency
 - Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.”
- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

- (1) Physical or mental impairment includes:
 - (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine
 - (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- (2) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) Is regarded as having an impairment means:
 - (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation
 - (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment
 - (c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides the PHA with the information needed to determine the family's eligibility. HUD requires the PHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the PHA must select families from the waiting list in accordance with HUD requirements and PHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The PHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the PHA to receive preferential treatment.

HUD regulations require that the PHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and PHA policies for taking applications, managing the waiting list and selecting families from the waiting list. The PHAs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the PHA's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide the PHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the PHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide the PHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the PHA's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the PHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by the PHA.

PHA Policy

Depending upon the length of time that applicants may need to wait to be housed, the PHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the PHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from the PHA's office during normal business hours. Families may also request – by telephone or by mail – that a form be sent to the family via first class mail.

Completed applications must be returned to the PHA by mail, by fax, or submitted in person during normal business hours. Applications must be complete in order to be accepted by the PHA for processing. If an application is incomplete, the PHA will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

The PHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard PHA application process.

Disabled Populations [24 CFR 8; PH Occ GB, p. 68]

The PHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the PHA must provide an alternate approach that provides equal access to the application process. Chapter 2 provides a full discussion of the PHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the PHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The PHA must review each completed application received and make a preliminary assessment of the family's eligibility. The PHA must place on the waiting list families for whom the list is open unless the PHA determines the family to be ineligible. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

PHA Policy

If the PHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of receiving a completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

Eligible for Placement on the Waiting List

PHA Policy

The PHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to PHA preference(s) and the date and time their complete application is received by the PHA.

The PHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to PHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The PHA must have policies regarding the type of waiting list it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how the PHA may structure its waiting list and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST

The PHA's public housing waiting list must be organized in such a manner to allow the PHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

PHA Policy

The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household
- The specific site(s) selected (only if PHA offers site-based waiting lists)

The PHA may adopt one community-wide waiting list or site-based waiting lists. The PHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

PHA Policy

The PHA will maintain one single community-wide waiting list for its developments. Within the list, the PHA will designate subparts to easily identify who should be offered the next available unit (i.e. mixed populations, general occupancy, unit size, and accessible units).

The PHA will not adopt site-based waiting lists.

HUD directs that a family that applies to reside in public housing must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that the PHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

PHA Policy

The PHA will not merge the public housing waiting list with the waiting list for any other program the PHA operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST

Closing the Waiting List

The PHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments. The PHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

PHA Policy

The PHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the PHA has particular preferences or other criteria that require a specific category of family, the PHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

If the waiting list has been closed, it may be reopened at any time. The PHA should publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that the PHA is reopening the waiting list. Such notice must comply with HUD fair housing requirements. The PHA should specify who may apply, and where and when applications will be received.

PHA Policy

The PHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

The PHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

[List here newspapers/other media where notices will be published]

4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

The PHA should conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the PHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the PHA to serve a specified percentage of extremely low income families, the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

PHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

PHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

PHA Policy

The PHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

PHA Policy

While the family is on the waiting list, the family must inform the PHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

4-II.F. UPDATING THE WAITING LIST

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the PHA's request for information or updates because of the family member's disability, the PHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

PHA Policy

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the PHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the PHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the PHA from making an eligibility determination; therefore no informal hearing is required.

If a family is removed from the waiting list for failure to respond, the Executive Director may reinstate the family if s/he determines the lack of response was due to PHA error, or to circumstances beyond the family's control.

Removal from the Waiting List

PHA Policy

The PHA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.

If the PHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because the PHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waitinglist and will inform the family how to request an informal hearing regarding the PHA's decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

The PHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The PHA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The PHA must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA's selection policies [24 CFR 960.206(e)(2)]. The PHA's policies must be posted any place where the PHA receives applications. The PHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The PHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

PHA Policy

When an applicant or resident family requests a copy of the PHA's tenant selection policies, the PHA will provide copies to them free of charge.

4-III.B. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use.

Local Preferences [24 CFR 960.206]

PHAs are permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

PHA Policy

The PHA will use the following local preference:

In order to bring higher income families into public housing, the PHA will establish a preference for “working” families, where the head, spouse, cohead, or sole member is employed at least 20 hours per week. As required by HUD, families where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference [24 CFR 960.206(b)(2)].

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during the PHA’s fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, the PHA may skip non-ELI families on the waiting list in order to select an ELI family.

If a PHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the PHA’s HCV program during a PHA fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against the PHA’s basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the PHA fiscal year; (2) ten percent of waiting list admissions to the PHA’s housing choice voucher program during the PHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

PHA Policy

The PHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the PHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403]. The PHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The PHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the PHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The PHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [24 CFR 945]

The PHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The PHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the PHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the PHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the PHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

PHA Policy

The PHA does not have designated elderly or designated disabled housing at this time.

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

The PHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the PHA must comply with the following steps:

Step 1. The PHA must determine the average income of all families residing in all the PHA's covered developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

PHA Policy

The PHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

PHA Policy

The PHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The PHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Step 4. The PHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the PHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR the PHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

PHA Policy

For developments outside the EIR the PHA will take the following actions to provide for deconcentration of poverty and income mixing:

[Insert PHA policy here]

Order of Selection [24 CFR 960.206(e)]

The PHA system of preferences may select families either according to the date and time of application or by a random selection process.

PHA Policy

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the PHA.

When selecting applicants from the waiting list the PHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PHA policy.

4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, the PHA must notify the family.

PHA Policy

The PHA will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination; therefore no informal hearing will be offered.

4-III.D. THE APPLICATION INTERVIEW

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

PHA Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the PHA will proceed with the interview. If the PHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the PHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the PHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without PHA approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their application will be made inactive. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination, therefore the PHA will not offer an informal hearing.

4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including PHA suitability standards, the PHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

PHA Policy

The PHA will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The PHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

PHA Policy

If the PHA determines that the family is ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14).

If the PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. See Section 3-III.G for the PHA's policy regarding such circumstances.

Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

The PHA must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. The PHA's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the PHA's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains the PHA's standards for determining the appropriate unit size for families of different sizes and types.

Part II: Unit Offers. This part contains the PHA's policies for making unit offers, and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-1.A. OVERVIEW

Occupancy standards are established by the PHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the PHA will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, the PHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. PHAs are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although the PHA does determine the size of unit the family qualifies for under the occupancy standards, the PHA does not determine who shares a bedroom/sleeping room.

The PHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

PHA Policy

The PHA will use the same occupancy standards for each of its developments.

The PHA's occupancy standards are as follows:

The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom.

Persons of different generations will not be required to share a bedroom.

Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.

Single person families will be allocated a zero or one bedroom.

Foster children will be included in determining unit size.

The PHA will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10
6	8	12

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

PHA Policy

The PHA will consider granting exceptions to the occupancy standards at the family's request if the PHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests the PHA will consider the size and configuration of the unit. In no case will the PHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, the PHA may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

PHA Policy

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

The PHA will notify the family of its decision within 10 business days of receiving the family's request.

PART II: UNIT OFFERS

24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

5-II.A. OVERVIEW

The PHA must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination.

In filling an actual or expected vacancy, the PHA must offer the dwelling unit to an applicant in the appropriate sequence. The PHA will offer the unit until it is accepted. This section describes the PHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes the PHA's policies for offering units with accessibility features.

PHA Policy

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

5-II.B. NUMBER OF OFFERS

PHA Policy

The PHA has adopted a "two-to-three offer plan" for offering units to applicants. Under this plan, the PHA will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in:

Three (3) or more locations: The applicant will be offered a unit in the location with the highest number of vacancies. If the offer is rejected, the applicant will be offered a suitable unit in the location with the second highest number of vacancies. If that unit is rejected, a final offer will be made in the location with the third highest number of vacancies. The offers will be made in sequence and the applicant must refuse an offer before another is made.

Two (2) locations: The applicant will be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, a final offer will be made at the other location. The offers will be made in sequence and the applicant must refuse the first offer before a second offer is made.

One (1) 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 it is at the same location as the first offer or at another location. The second unit offer will be the final offer, unless there is good cause for refusing the offer.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

PHA Policy

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer.

Offers made by telephone will be confirmed by letter.

5-II.D. REFUSALS OF UNIT OFFERS

Good Cause for Unit Refusal

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

PHA Policy

Applicants may refuse to accept a unit offer for "*good cause*." *Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities

The family demonstrates to the PHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption

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

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move

The unit has lead-based paint and the family includes children under the age of six

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

The PHA will require documentation of good cause for unit refusals.

Unit Refusal Without Good Cause

PHA Policy

When an applicant rejects the final unit offer without good cause, the PHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the PHA opens the waiting list.

5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]

PHAs must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the PHA must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under the PHA's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the PHA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

PHA Policy

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the PHA will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, the PHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

5-II.F. DESIGNATED HOUSING

When applicable, the PHA's policies for offering units designated for elderly families only or for disabled families only are described in the PHA's Designated Housing Plan.

Chapter 6

INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's rent payment. The PHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and PHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and PHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

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

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(a)(1)].
Head, spouse, or cohead Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or cohead)	Employment income above \$480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included.

Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

PHA Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

PHA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the PHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

PHA Policy

If a child has been placed in foster care, the PHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Cohead

PHA Policy

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

PHA Policy

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the PHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Joint Custody of Children

PHA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the PHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

Caretakers for a Child

PHA Policy

If neither a parent nor a designated guardian remains in a household receiving assistance, the PHA will take the following actions.

If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the PHA will extend the caretaker's status as an eligible visitor.

At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

The PHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the PHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

PHA Policy

When the PHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the PHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the PHA to show why the historic pattern does not represent the family’s anticipated income.

Known Changes in Income

If the PHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving \$6/hour will begin to receive \$6.25/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows: $(\$6/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$6.25 \times 40 \text{ hours} \times 45 \text{ weeks})$.

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the PHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if the PHA’s policy on reexaminations does not require interim reexaminations for other types of changes.

Using Up-Front Income Verification (UIV) to Project Income

HUD strongly recommends the use of up-front income verification (UIV). UIV is “the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals” [PIH Notice 2004-01 Verification Guidance (“VG”), p. 7].

HUD allows PHAs to use UIV information in conjunction with family-provided documents to anticipate income.

PHA Policy

PHA procedures for anticipating annual income will include the use of UIV methods approved by HUD in conjunction with family-provided documents dated within the last 60 days of the PHA interview date. The PHA will follow “HUD Guidelines for Projecting Annual Income When Up-Front Income Verification (UIV) Data Is Available” in handling differences between UIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines *substantial difference* as a difference of \$200 or more per month.

No Substantial Difference. If UIV information for a particular income source differs from the information provided by a family by less than \$200 per month, the PHA will follow these guidelines:

If the UIV figure is less than the family’s figure, the PHA will use the family’s information.

If the UIV figure is more than the family’s figure, the PHA will use the UIV data unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, the PHA will use the family-provided information.

Substantial Difference. If UIV information for a particular income source differs from the information provided by a family by \$200 or more per month, the PHA will follow these guidelines:

The PHA will request written third-party verification from the discrepant income source in accordance with 24 CFR 5.236(b)(3)(i).

When the PHA cannot readily anticipate income (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), the PHA will review historical income data for patterns of employment, paid benefits, and receipt of other income.

The PHA will analyze all UIV, third-party, and family-provided data and attempt to resolve the income discrepancy.

The PHA will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(1)]

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

PHA Policy

For persons who regularly receive bonuses or commissions, the PHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the PHA will use the prior year amounts. In either case the family may provide, and the PHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the PHA will count only the amount estimated by the employer.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]

This type of income (including gifts) is not included in annual income.

PHA Policy

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children's Earnings [24 CFR 5.609(c)(1)]

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or cohead) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

Income of a Live-in Aide.

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]

Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b))
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development. 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. No resident may receive more than one such stipend during the same period of time.

State and Local Employment Training Program

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

PHA Policy

The PHA defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

The PHA defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, the PHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the PHA’s interim reporting requirements (see chapter on reexaminations).

HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

PHA Policy

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

Earned Income Disallowance. The earned income disallowance is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255]

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

PHA Policy

The PHA defines *prior income*, or *prequalifying income*, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

PHA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation

The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

PHA Policy

During the 48-month eligibility period, the PHA will conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

Individual Savings Accounts [24 CFR 960.255(d)]

PHA Policy

The PHA chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

The following rules pertaining to ISAs do not apply to this public housing program.

A qualified family paying income-based rent may choose an ISA instead of being given the EID. The PHA must advise the family that the ISA option is available. Families who choose the ISA will pay the higher rent and the PHA will deposit the difference between the higher rent and the EID rent in the savings account.

Amounts deposited to ISAs may only be withdrawn for the following reasons:

- Because the family is purchasing a home
- To pay education costs of family members
- Because the family is moving out of public or assisted housing
- To pay any other expenses the PHA authorizes to promote economic self-sufficiency

The PHA is required to maintain ISAs in interest bearing accounts, for which the family is credited with interest earned. The PHA may not charge the family a fee for maintaining the account.

At least once each year the PHA must provide the family with a statement of the balance in their account, including any interest earned, if required by state law.

PHA Policy

When applicable, the PHA will provide the family with a statement of the balance in their account, including any interest earned, annually and upon request when the family makes withdrawals from the account.

If the family moves out of public housing, the PHA must return the balance in the family's ISA, less any amounts the family owes the PHA.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

Business Expenses

Net income is “gross income less business expense” [HCV GB, p. 5-19].

PHA Policy

To determine business expenses that may be deducted from gross income, the PHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit the PHA to deduct from gross income expenses for business expansion.

PHA Policy

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit the PHA to deduct from gross income the amortization of capital indebtedness.

PHA Policy

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the PHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require the PHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

PHA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of \$2,000 to help a business get started, the PHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses**PHA Policy**

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the public housing program. However, HUD requires that the PHA include in annual income the “interest, dividends, and other net income of any kind from real or personal property” [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the PHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

General Policies

Income from Assets

The PHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the PHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) the PHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the PHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

PHA Policy

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the PHA to show why the asset income determination does not represent the family’s anticipated asset income.

Valuing Assets

The calculation of asset income sometimes requires the PHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

PHA Policy

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28 and PH Occ GB, p. 121].

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3)]

When net family assets are \$5,000 or less, the PHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, the PHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for the PHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

PHA Policy

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the PHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the PHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the PHA will prorate the asset evenly among all owners.

Assets Disposed Of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require the PHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The PHA may set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

PHA Policy

The PHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

PHA Policy

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

PHA Policy

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The PHA may verify the value of the assets disposed of if other information available to the PHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

PHA Policy

In determining the value of a checking account, the PHA will use the average monthly balance for the last six months.

In determining the value of a savings account, the PHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, the PHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

PHA Policy

In determining the market value of an investment account, the PHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), the PHA will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25 and PH, p. 121].

Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]

• Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]
A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

PHA Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the PHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the PHA must know whether the money is accessible before retirement [HCV GB, p. 5-26]. While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

PHA Policy

In determining the value of personal property held as an investment, the PHA will use the family's estimate of the value. However, the PHA also may obtain an appraisal if appropriate to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal. Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

PHA Policy

Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].

Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)].

PHA Policy

When a delayed-start payment is received and reported during the period in which the PHA is processing an annual reexamination, the PHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the PHA.

See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Periodic Payments Excluded from Annual Income

Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]

PHA Policy

The PHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]

Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].

Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The PHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, the PHA must include in annual income “imputed” welfare income. The PHA must request that the welfare agency inform the PHA when the benefits of a public housing resident are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

For special procedures related to grievance hearings based upon the PHA’s denial of a family’s request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

Offsets

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support

The PHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

PHA Policy

The PHA will count court-awarded amounts for alimony and child support unless the PHA verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47]. Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

PHA Policy

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the PHA. For contributions that may vary from month to month (e.g., utility payments), the PHA will include an average amount based upon past history.

6-LL. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

Reimbursement of medical expenses [24 CFR 5.609(c)(4)]

The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)], except that in accordance with Section 224 of the FY 2005 Appropriations Act, the portion of any athletic scholarship assistance available for housing costs must be included in annual income [PIH Notice 2005-16].

PHA Policy

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment **is not** considered student financial assistance and is included **in** annual income.

Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]

Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]

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 [24 CFR 5.609(c)(10)]

Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]

Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]

Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17)]. HUD publishes an updated list of these exclusions periodically. It includes:

- (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
- (b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- (c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
- (d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
- (e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
- (f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)) (Effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931).)
- (g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
- (h) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)

- (i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under the federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu)
- (j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- (k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- (l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- (m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- (n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
- (o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- (p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- (q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805)
- (r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- (s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
 - (i) Unreimbursed medical expenses of any elderly family or disabled family;
 - (ii) 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. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

Anticipating Expenses

PHA Policy

Generally, the PHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), the PHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the PHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The PHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

A deduction of \$480 is taken for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An *elderly family* is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

Definition of *Medical Expenses*

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean “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.”

PHA Policy

The most current IRS Publication 502, *Medical and Dental Expenses*, will be used to determine the costs that qualify as medical expenses.

Summary of Allowable Medical Expenses from IRS Publication 502	
<p>Services of medical professionals</p> <p>Surgery and medical procedures that are necessary, legal, noncosmetic</p> <p>Services of medical facilities</p> <p>Hospitalization, long-term care, and in-home nursing services</p> <p>Prescription medicines and insulin, but <u>not</u> nonprescription medicines even if recommended by a doctor</p> <p>Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)</p>	<p>Substance abuse treatment programs</p> <p>Psychiatric treatment</p> <p>Ambulance services and some costs of transportation related to medical expenses</p> <p>The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)</p> <p>Cost and continuing care of necessary service animals</p> <p>Medical insurance premiums or the cost of a health maintenance organization (HMO)</p>
<p>Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.</p>	

Families That Qualify for Both Medical and Disability Assistance Expenses

PHA Policy

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the PHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

PHA Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, the PHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the PHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members’ incomes [PH Occ GB, p. 124].

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the *PH Occupancy Guidebook* as follows: “Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals” [PH Occ GB, p. 124], but only if these items are directly related to permitting the disabled person or other family member to work [HCV GB, p. 5-30].

HUD advises PHAs to further define and describe auxiliary apparatus [VG, p. 30].

Eligible Auxiliary Apparatus

PHA Policy

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care

The family determines the type of attendant care that is appropriate for the person with disabilities.

PHA Policy

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the PHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members

No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

Necessary and Reasonable Expenses

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

PHA Policy

The PHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the PHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the PHA will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

PHA Policy

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the PHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

HUD defines *child care expenses* at 24 CFR 5.603(b) as “amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, 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 charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family’s household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family’s household, are included when determining the family’s child care expenses.

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

PHA Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family’s request, the PHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

PHA Policy

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member’s efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member’s job search efforts are not commensurate with the child care expense being allowed by the PHA.

Furthering Education

PHA Policy

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

PHA Policy

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person’s earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

The PHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

PHA Policy

When the child care expense being claimed is to enable a family member to work, only one family member’s income will be considered for a given period of time. When more than one family member works during a given period, the PHA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses

The type of care to be provided is determined by the tenant family. The PHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

Allowable Child Care Activities

PHA Policy

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, the PHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

PHA Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, the PHA will use the schedule of child care costs from the local welfare agency. Families may present, and the PHA will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the PHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128].

The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year.

PHA Policy

The PHA has opted not to use permissive deductions.

PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the PHA.

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)

10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)

The welfare rent (in as-paid states only)

A minimum rent between \$0 and \$50 that is established by the PHA

The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]

PHA Policy

Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

PHA Policy

The minimum rent for this locality is \$0.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]

PHAs have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the PHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

The PHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to PHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

PHA Policy

The PHA chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ GB, p. 135].

PHA Policy

The PHA chooses not to use ceiling rents.

Utility Reimbursement [24 CFR 960.253(c)(3)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

PHA Policy

The PHA will make utility reimbursements to the family.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

PHA Policy

The financial hardship rules described below do not apply in this jurisdiction because the PHA has established a minimum rent of \$0.

Overview

If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family 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.

PHA Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

- (2) The family would be evicted because it is unable to pay the minimum rent.

PHA Policy

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

- (3) Family income has decreased because of changed family circumstances, including the loss of employment.

- (4) A death has occurred in the family.

PHA Policy

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

- (5) The family has experienced other circumstances determined by the PHA.

PHA Policy

The PHA has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family's request.

The PHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

PHA Policy

The PHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

The PHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

Example: Impact of Minimum Rent Exemption			
Assume the PHA has established a minimum rent of \$35.			
TTP – No Hardship		TTP – With Hardship	
\$0	30% of monthly adjusted income	\$0	30% of monthly adjusted income
\$15	10% of monthly gross income	\$15	10% of monthly gross income
N/A	Welfare rent	N/A	Welfare rent
\$35	Minimum rent	\$35	Minimum rent
Minimum rent applies. TTP = \$35		Hardship exemption granted. TTP = \$15	

PHA Policy

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The PHA will make the determination of hardship within 30 calendar days.

No Financial Hardship

If the PHA determines there is no financial hardship, the PHA will reinstate the minimum rent and require the family to repay the amounts suspended.

For procedures pertaining to grievance hearing requests based upon the PHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

PHA Policy

The PHA will require the family to repay the suspended amount within 30 calendar days of the PHA's notice that a hardship exemption has not been granted.

Temporary Hardship

If the PHA determines that a qualifying financial hardship is temporary, the PHA must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The family must resume payment of the minimum rent and must repay the PHA the amounts suspended. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon the PHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

PHA Policy

The PHA will enter into a repayment agreement in accordance with the PHA's repayment agreement policy (see Chapter 16).

Long-Term Hardship

If the PHA determines that the financial hardship is long-term, the PHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

PHA Policy

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.
- (2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.
- (3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, the PHA must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

Reasonable Accommodation [24 CFR 8]

On request from a family, PHAs must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]

The PHA must review its schedule of utility allowances each year. Between annual reviews, the PHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171].

The tenant rent calculations must reflect any changes in the PHA's utility allowance schedule [24 CFR 960.253(c)(3)].

PHA Policy

Unless the PHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the PHA must:

- (1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.
- (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).
- (3) Multiply the member maximum subsidy by the number of eligible family members.
- (4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.
- (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

PHA Policy

Revised public housing maximum rents will be applied to a family's rent calculation at the first annual reexamination after the revision is adopted.

For policies related to the establishment of the public housing maximum rent see Chapter 16.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the PHA is the amount the family pays. Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and review of flat rents are contained in Chapter 16.

Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, the PHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The PHA must document that flat rents were offered to families under the methods used to determine flat rents for the PHA.

PHA Policy

The annual PHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

The PHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The PHA must provide sufficient information for families to make an informed choice. This information must include the PHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the PHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the PHA determines that a financial hardship exists, the PHA must immediately allow the family to switch from flat rent to the income-based rent.

PHA Policy

Upon determination by the PHA that a financial hardship exists, the PHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- 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
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by the PHA to be appropriate

PHA Policy

The PHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

Change in Flat Rents

PHA Policy

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit [PH Occ GB, pp. 137-138].

Flat Rents and Earned Income Disallowance [A&O FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

Flat Rents and Mixed Families [A&O FAQs]

Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the *Form HUD-50058 Instruction Booklet*.

If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.

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EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

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

(b) Annual income includes, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. 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. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31¹; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

¹ Text of 45 CFR 260.31 follows (next page).

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

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

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

HHS DEFINITION OF "ASSISTANCE"

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

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

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

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) 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; and

(7) 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

EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 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 development. 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. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

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

(10) 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;

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

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

(13) [Reserved]

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

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

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

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following chart for a list of benefits that qualify for this exclusion.]

Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits

- a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
- b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);

h) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);

j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);

p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

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EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, 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.

(2) 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 fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, PHAs or owners, as applicable, 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 in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

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EXHIBIT 6-4: EARNED INCOME DISALLOWANCE

24 CFR 960.255 Self-sufficiency incentive—Disallowance of increase in annual income.

(a) *Definitions.* The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

Previously unemployed includes 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.

Qualified family. A family residing in public housing:

- (i) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;
- (ii) Whose 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; or
- (iii) Whose annual 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.

(b) *Disallowance of increase in annual income.*

(1) *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 (as defined in 5.609 of this title) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

(2) *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.

(3) *Maximum four year disallowance.* The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for disallowance under paragraph (b)(1) and a maximum of twelve months for disallowance under paragraph (b)(2), during the 48 month period starting from the initial exclusion under paragraph (b)(1) of this section.

(c) *Inapplicability to admission.* The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

(d) *Individual Savings Accounts.* As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

- (1) The PHA must advise the family that the savings account option is available;
- (2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;
- (3) Amounts deposited in a savings account may be withdrawn only for the purpose of:
 - (i) Purchasing a home;

(ii) Paying education costs of family members;
(iii) Moving out of public or assisted housing; or
(iv) Paying any other expense authorized by the PHA for the purpose of promoting the economic self-sufficiency of residents of public housing;
(4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA

may not charge a fee for maintaining the account;
(5) At least annually the PHA must provide the family with a report on the status of the account;
and
(6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA

EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Economic self-sufficiency program. See definition at Sec. 5.603.

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 for purposes of determining rent.

Specified welfare benefit reduction.

(1) 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 in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

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

(ii) 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

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

(c) Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits

reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7

VERIFICATION

[24 CFR 960.259, 24 CFR 5.230]

INTRODUCTION

The PHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance. The PHA must not pass on the cost of verification to the family.

The PHA will follow the verification guidance provided by HUD in PIH Notice 2004-01 Verification Guidance ("VG") and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary PHA policies.

Part I describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part II), income and assets (Part III), and mandatory deductions (Part IV).

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by the PHA.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION

[24 CFR 960.259, 24 CFR 5.230]

The family must supply any information that the PHA or HUD determines is necessary to the administration of the program and must consent to PHA verification of that information [24 CFR 960.259(a)(1)].

Consent Forms

It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the PHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, the PHA will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with the PHA's grievance procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [VG, p. 11-14]

HUD authorizes the PHA to use five methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification.

PHA Policy

In order of priority, the forms of verification that the PHA will use are:

Up-front Income Verification (UIV) whenever available

Third-party Written Verification

Third-party Oral Verification

Review of Documents

Self-Certification

Each of the verification methods is discussed in subsequent sections below. Exhibit 7-1 at the end of the chapter contains an excerpt from the Verification Guidance that provides guidance with respect to how each method may be used.

Requirements for Acceptable Documents

PHA Policy

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the PHA. The documents must not be damaged, altered or in any way illegible.

The PHA will accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, the PHA would accept the most recent report. Print-outs from web pages are considered original documents.

The PHA staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy. Any family self-certifications must be made in a format acceptable to the PHA and must be signed in the presence of a PHA representative or PHA notary public.

File Documentation

The PHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the PHA has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the PHA.

PHA Policy

The PHA will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process:

HUD's EIV system

[Insert any additional UIV sources used by the PHA]

The PHA must restrict access to and safeguard UIV data in accordance with HUD guidance on security procedures, as issued and made available by HUD.

There may be legitimate differences between the information provided by the family and UIV-generated information. No adverse action can be taken against a family until the PHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the PHA's informal review/hearing processes.

Definition of Substantial Difference

UIV information is used differently depending upon whether there is a *substantial difference* between information provided by the family and the UIV information. In "HUD Guidelines for Projecting Annual Income When UIV Data is Available," HUD recommends using \$200 per month as the threshold for a substantial difference. The PHA will use the \$200 per month as the threshold for a substantial difference.

See Chapter 6 for the PHA's policies on the definition of substantial difference and the use of UIV to project annual income and for the PHA's threshold for substantial difference.

When No Substantial Difference Exists

If UIV information does not differ substantially from family information, the UIV documentation may serve as third-party written verification.

When a Substantial Difference Exists [24 CFR 5.236(b)]

When there is a substantial difference between the information provided by the UIV source and the family, the PHA must request another form of third-party written verification and use any other verification methods (in priority order) to reconcile the difference(s).

Use of HUD's Enterprise Income Verification (EIV) System

HUD's EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for resident families. HUD requires the PHA to use the EIV system when available. The following policies will apply when the PHA has access to HUD's EIV system.

The EIV system contains two main components: tenant income data reports and "exceeds threshold" reports.

Tenant Income Data (TID) Reports

The data shown on TID reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

PHA Policy

The PHA will obtain TID reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

TID reports will be compared to family-provided information as part of the annual reexamination process.

TID reports may be used in the calculation of annual income, as described in Chapter 6.I.C. TID reports may also be used to meet the regulatory requirement for third party verification, as described above.

Policies for resolving discrepancies between TID reports and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter.

TID reports will be used in interim reexaminations when it is necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits, and to verify that families claiming zero income are not receiving income from any of these sources.

TID reports will be retained in resident files with the applicable annual or interim reexamination documents.

When the PHA determines through TID reports and third party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

Exceeds Threshold Reports (ETRs)

The ETR is a tool for identifying families who may have concealed or under-reported income. Data in the ETR represents income for past reporting periods and may be between 6 months and 30 months old at the time ETRs are generated.

Families who have not concealed or under-reported income may appear on the ETR in some circumstances, such as loss of a job or addition of new family members.

PHA Policy

The PHA will generate and review ETRs on a monthly basis. The ETR threshold percentage will be adjusted as necessary based on the findings in the ETRs.

In reviewing ETRs, the PHA will begin with the largest discrepancies.

When the PHA determines that a resident appearing on the ETR has not concealed or under-reported income, the resident's name will be placed on a list of "false positive" reviews. To avoid multiple reviews in this situation, residents appearing on this list will be eliminated from ETR processing until a subsequent interim or annual reexamination has been completed.

When it appears that a family may have concealed or under-reported income, the PHA will request third-party written verification of the income in question.

When the PHA determines through ETR review and third party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

EIV Identity Verification

The EIV system verifies resident identities against SSA records. These records are compared to PIC data for a match on Social Security number, name, and date of birth.

When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

PHA Policy

The PHA will identify residents whose identity verification has failed as part of the annual reexamination process.

The PHA will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When the PHA determines that discrepancies exist due to PHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

Reasonable Effort and Timing

Unless third-party verification is not required as described below, HUD requires the PHA to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification [VG, p. 15].

PHA Policy

The PHA will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.

The PHA may mail, fax, e-mail, or hand deliver third-party written verification requests and will accept third-party responses using any of these methods. The PHA will send a written request for verification to each required source within 5 business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, the PHA will request third-party oral verification.

The PHA will make a minimum of two attempts, one of which may be oral, to obtain third-party verification. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, PHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds verbally to the initial written request for verification the PHA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

If a third party agrees to confirm in writing the information provided orally, the PHA will wait no more than 5 business days for the information to be provided. If the information is not provided by the 6th business day, the PHA will use any information provided orally in combination with reviewing family-provided documents (see below).

When Third-Party Information is Late

When third-party verification has been requested and the timeframes for submission have been exceeded, the PHA will use the information from documents on a provisional basis. If the PHA later receives third-party verification that differs from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, the PHA will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of the PHA's interim reexamination policy.

When Third-Party Verification is Not Required***Primary Documents***

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Certain Assets and Expenses

The PHA may accept a self-certification from the family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

The PHA may determine that third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification [VG, p. 15].

PHA Policy

The PHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$500 annually and the family has original documents that support the declared amount.

Certain Income, Asset and Expense Sources

The PHA will determine that third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification [VG, p. 15]. For example, the PHA will rely upon review of documents when the PHA determines that a third party's privacy rules prohibit the source from disclosing information.

PHA Policy

The PHA will determine that third-party verification is not available when there is a service charge for verifying an asset or expense *and* the family has original documents that provide the necessary information. If the family cannot provide original documents, the PHA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

7-I.E. REVIEW OF DOCUMENTS

Using Review of Documents as Verification

PHA Policy

If the PHA has determined that third-party verification is not available or not required, the PHA will use documents provided by the family as verification.

The PHA may also review documents when necessary to help clarify information provided by third parties. In such cases the PHA will document in the file how the PHA arrived at a final conclusion about the income or expense to include in its calculations.

7-I.F. SELF-CERTIFICATION

PHA Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the PHA.

The PHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a PHA representative or PHA notary public.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

PHA Policy

The PHA will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicle identification card U.S. military discharge (DD 214) U.S. passport Employer identification card	Certificate of birth Adoption papers Custody agreement Health and Human Services ID School records

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at the PHA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the PHA and be signed in the presence of a PHA representative or PHA notary public.

Legal identity will be verified on an as needed basis.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and HCV, p. 5-12]

For every family member age 6 or older, the family must provide documentation of a valid social security number (SSN), or a self-certification stating that no SSN has been issued. The self-certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.

PHA Policy

The PHA will also accept the following documents as evidence if the SSN is provided on the document:

Driver's license

Other identification card issued by a federal, state, or local agency, a medical insurance company or provider, or employer or trade union

Payroll stubs

Benefit award letters from government agencies; retirement benefit letters; life insurance policies

Court records (real estate, tax notices, marriage and divorce, judgment or bankruptcy records)

If the family reports an SSN but cannot provide acceptable documentation of the number, the PHA will require a self-certification stating that documentation of the SSN cannot be provided at this time. The PHA will require documentation of the SSN within 60 calendar days from the date of the family member's self-certification mentioned above. If the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided.

PHA Policy

The PHA will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and are unable to submit the required documentation of their SSN within the initial 60-day period, the PHA will grant an additional 60 calendar days to provide documentation.

Social security numbers must be verified only once during continuously-assisted occupancy.

If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination. In addition, if a child reaches the age of 6 and has no SSN, the parent or guardian must execute a self-certification stating that the child has no SSN at the next regularly scheduled reexamination.

The social security numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

PHA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, the PHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

PHA Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

PHA Policy

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a marital relationship, the PHA will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

PHA Policy

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a separation or divorce, the PHA will require the family to document the divorce, or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

PHA Policy

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

PHA Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

PHA Policy

The PHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or cohead, or

The family claims a child care deduction to enable a family member to further his or her education.

7-II.F. DOCUMENTATION OF DISABILITY

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will not place this information in the tenant file. Under no circumstances will the PHA request a resident's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at www.os.dhhs.gov.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

Inquiry into an applicant's ability to meet the requirements of ownership or tenancy

Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability

Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability

Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance

Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of receipt of SSA benefits or SSI based upon disability is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions [VG, p. 23].

PHA Policy

For family members claiming disability who receive SSI or other disability payments from the SSA, the PHA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system when it is available, or HUD's Tenant Assessment Subsystem (TASS). If documentation from HUD's EIV System or TASS is not available, the PHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the PHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or resident receives the benefit verification letter they will be required to provide it to the PHA.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

PHA Policy

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and PHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

PHA Policy

Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the PHA receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants***Documents Required***

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-2 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GB, pp 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the PHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

The PHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

The PHA must verify any preferences claimed by an applicant.

PHA Policy

The PHA offers a preference for working families, described in Section 4-III.B.

The PHA may verify that the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating that the working member works at least 20 hours per week. The paycheck stub must have been issued to the working member within the last thirty days.

The PHA may also seek third party verification from the employer of the head, spouse, cohead or sole member of a family requesting a preference as a working family.

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides PHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Tips

PHA Policy

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

PHA Policy

Business owners and self-employed persons will be required to provide:

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.

All schedules completed for filing federal and local taxes in the preceding year.

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

The PHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the PHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the PHA will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the PHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

PHA Policy

To verify the SS/SSI benefits of applicants, the PHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), the PHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant has received the benefit verification letter they will be required to provide it to the PHA.

To verify the SS/SSI benefits of residents, the PHA will obtain information about social security/SSI benefits through the HUD EIV System or the Tenant Assessment Subsystem (TASS). If benefit information is not available in HUD systems, the PHA will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the PHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the resident has received the benefit verification letter they will be required to provide it to the PHA.

7-III.D. ALIMONY OR CHILD SUPPORT

PHA Policy

The way the PHA will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it ***receives regular payments***, verification will be sought in the following order.

If payments are made through a state or local entity, the PHA will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments.

Third-party verification from the person paying the support

Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules

Copy of the latest check and/or payment stubs

Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If the family declares that it ***receives irregular or no payments***, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The PHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

PHA Policy

The PHA will verify the value of assets disposed of only if:

The PHA does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a \$10,000 certificate of deposit at the last annual reexamination and the PHA verified this amount. Now the person reports that she has given this \$10,000 to her son. The PHA has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the PHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

PHA Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the PHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

PHA Policy

When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the PHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, the PHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the PHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

The PHA must obtain verification for income exclusions only if, without verification, the PHA would not be able to determine whether the income is to be excluded. For example: If a family's 16 year old has a job at a fast food restaurant, the PHA will confirm that PHA records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

PHA Policy

The PHA will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family's rent (as is the case with the earned income disallowance). In all other cases, the PHA will report the amount to be excluded as indicated on documents provided by the family.

7-III.I. ZERO ANNUAL INCOME STATUS

PHA Policy

The PHA will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by families claiming to have zero annual income.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the PHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The PHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The PHA will verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

PHA Policy

The PHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the PHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The PHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months

In addition, the PHA must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62 or a person with disabilities. The PHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the PHA's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

PHA Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past YearsPHA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the PHA will verify:

The anticipated repayment schedule

The amounts paid in the past, and

Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

PHA Policy

The PHA will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

PHA Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus

If third-party is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

In addition, the PHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The PHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

The PHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

PHA Policy

The PHA will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.).

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

PHA Policy

An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, the PHA must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable.

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The PHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

PHA Policy

The child care provider will be asked to certify that, to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

The PHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

PHA Policy*Information to be Gathered*

The PHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the PHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the PHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the PHA any reports provided to the other agency.

In the event third-party verification is not available, the PHA will provide the family with a form on which the family member must record job search efforts. The PHA will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The PHA will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment

The PHA will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

PHA Policy

The PHA will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

The PHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The PHA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable child care costs can be deducted.

PHA Policy

The actual costs the family incurs will be compared with the PHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the PHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

Exhibit 7-1: Excerpt from HUD Verification Guidance Notice (PIH 2004-01, pp. 11-14)

Upfront (UIV)	Highest (Highly Recommended, highest level of third party verification)
Written 3 rd Party	High (Mandatory if upfront income verification is not available or if UIV data differs substantially from tenant-reported information)
Oral 3 rd Party	Medium (Mandatory if written third party verification is not available)
Document Review	Medium-Low (Use on provisional basis)
Tenant Declaration	Low (Use as a last resort)

Income Type	Upfront (LEVEL 5)	Written Third Party (LEVEL 4)	Oral Third Party (LEVEL 3)	Document Review (LEVEL 2)	Tenant Declaration (LEVEL 1)
Wages/Salaries	<p>Use of computer matching agencies with State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax, or in person.</p> <p>Agreements with private vendor agencies, such as The Work Number or ClearPath, to obtain wage and salary information.</p> <p>Use of HUD systems, when available.</p>	<p>The PTA may fax or e-mail a verification form directly to the independent sources to obtain wage information.</p> <p>The PTA may have the tenant sign a Request for Family Statement from the SSA to confirm past earnings. The PTA mails the form to SSA and the statement will be sent to the address the PTA specifies on the form.</p>	<p>In the event the independent source does not respond to the PTA's written request for information, the PTA may contact the independent source by phone or mail or in person visit to obtain the requested information.</p>	<p>When neither form of third party verification is available, the PTA may accept original documents such as consecutive pay stubs, HUD records, etc. The PTA review at least three months of pay stubs, if employed by the same employer for three months or more; W-2 forms, etc. from the tenant. Note: The PTA must document in the tenant file the reason third party verification was not available.</p>	<p>The PTA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from earnings. Note: The PTA must document in the tenant file the reason third party verification was not available.</p>
<p>Verification of Employment Income: The PTA should always obtain as much information as possible about the employment, such as start date from employer, termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, business structure, company name, address and telephone number, title and position of the person completing the employment verification form.</p> <p>Effective Date of Employment: The PTA should always confirm start and termination dates of employment.</p>					

Income Type	Uplift	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Self-Employment	Not Available	The PITA may or may not require a verification form directly or indirectly by the family to obtain income information.	The PITA may call the tenant to obtain income information.	The PITA may accept any documents (i.e. tax returns, pay stubs and letters from customers) provided by the tenant to verify self-employment income. Note: The PITA must document in the tenant file the reason third party verification was not obtained.	The PITA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self-employment. Note: The PITA must document in the tenant file, but at least a third party verification was not available.
<p>Verification of Self-Employment Income: Typically, it is a challenge for PITAs to obtain third party verification of self-employment income. When third party verification is not available, the PITA should always request a notarized tenant declaration that includes a jurat statement.</p>					
Social Security Benefits	Use of HUD Tenant Assessment System (TASS) to obtain current benefit history and discrepancy reports.	The PITA may or may not require a verification form directly to the local SSA office to obtain social security benefit information. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PITAs to use TASS.)	The PITA may call SSA with the tenant or the PITA to obtain current benefit amount. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PITAs to use TASS.)	The PITA may accept an original SSA Notice from the tenant. Note: The PITA must document in the tenant file the reason third party verification was not available.	The PITA may accept a notarized statement or affidavit from the tenant that declares current social security benefits. Note: The PITA must document in the tenant file, but at least a third party verification was not available.
Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The PITA may fax, or obtain a verification form directly to the local Social Services Agency to obtain welfare benefit information.	The PITA may call the local Social Services Agency to obtain current benefit amount.	The PITA may review an original award notice or award form from the local Social Services Agency provided by the tenant. Note: The PITA must document in the tenant file the reason third party verification was not available.	The PITA may accept a notarized statement or affidavit from the tenant that declares current welfare benefits. Note: The PITA must document in the tenant file, but at least a third party verification was not available.

Income Type	Uplift	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Child Support	Use of agreement with the local Child Support Enforcement Agency to obtain current child support amount and payment status electronically by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The PHA may call the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The PHA may review an original court order, notice or printout from the local Child Support Enforcement Agency provided by the tenant or tenant file for current child support amount and payment status. Note: The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares current child support amount and payment status. Note: The PHA must document in the tenant file, the reason third party verification was not available.
Unemployment Benefits	Use of computer matching agencies with a State Wage Information Collection Agency to obtain unemployment compensation electronically by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the State Wage Information Collection Agency to obtain current unemployment compensation information.	The PHA may call the State Wage Information Collection Agency to obtain current benefit amount.	The PHA may review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares unemployment benefits. Note: The PHA must document in the tenant file, the reason third party verification was not available.
	Use of HUD systems, when available.				
Pension	Use of computer matching agencies with a Federal, State, or Local Government Agency to obtain pension information electronically by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the pension provider to obtain pension information.	The PHA may call the pension provider to obtain current benefit amount.	The PHA may review an original benefit notice from the pension provider provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly pension amounts. Note: The PHA must document in the tenant file, the reason third party verification was not available.

Income Type	Uplift	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Assets	Use of cooperative apartment with sources to determine and assess financial information electronically by mail or fax or in person.	The PHA mails, faxes, or sends a verification form directly to the source to obtain asset and/or asset income information.	The PHA may call the source to obtain asset and asset income information.	The PHA may review original documents provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept notarized statements or affidavits from the tenant that declare assets and asset income. Note: The PHA must document in the tenant file, the reason third party verification was not available.
Consumers	Whenever FTD makes available wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process. There may be some result malfunctions during RTR review.	Note: The Independent source completes the form and returns the form directly to the PHA Agency. The tenant should not handle any documents to or from the independent source.	The PHA should document in the tenant file the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The PHA should use this verification method as a last resort when all other verification methods are not possible or have been unsuccessful. Notarized statement should include a perjury penalty statement.
Note: The PHA must not pass verification costs along to the participant.					
Note: In cases where the PHA cannot reliably project annual income, the PHA may elect to complete regular interim reexaminations (this policy should be apart of the PHA's written policies.)					

**Exhibit 7-2: Summary of Documentation Requirements for Noncitizens
[HCV GB, pp. 5-9 and 5-10]**

<ul style="list-style-type: none"> • All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA. • Except for persons 62 or older, all noncitizens must sign a verification consent form • Additional documents are required based upon the person's status. 	
<p>Elderly Noncitizens</p> <ul style="list-style-type: none"> • A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits. 	
<p>All other Noncitizens</p> <ul style="list-style-type: none"> • Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below. 	
<ul style="list-style-type: none"> • Form I-551 Alien Registration Receipt Card (for permanent resident aliens) • Form I-94 Arrival-Departure Record annotated with one of the following: <ul style="list-style-type: none"> • “Admitted as a Refugee Pursuant to Section 207” • “Section 208” or “Asylum” • “Section 243(h)” or “Deportation stayed by Attorney General” • “Paroled Pursuant to Section 221 (d)(5) of the USCIS” 	<ul style="list-style-type: none"> • Form I-94 Arrival-Departure Record with no annotation accompanied by: <ul style="list-style-type: none"> • A final court decision granting asylum (but only if no appeal is taken); • A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90); • A court decision granting withholding of deportation; or • A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).
<ul style="list-style-type: none"> • Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”. 	<ul style="list-style-type: none"> • Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.
<ul style="list-style-type: none"> • A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or • Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the <i>Federal Register</i> 	

Chapter 8

LEASING AND INSPECTIONS

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION

Public housing leases are the basis of the legal relationship between the PHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations.

HUD rules also require the PHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the PHA may require additional inspections in accordance with PHA policy.

This chapter is divided into two parts as follows:

Part I: Leasing. This part describes pre-leasing activities and the PHA's policies pertaining to lease execution, modification, and payments under the lease.

Part II: Inspections. This part describes the PHA's policies for inspecting dwelling units.

PART I: LEASING

8-1.A. OVERVIEW

An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements, and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12-month term, except that the PHA may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].

Part I of this chapter contains regulatory information, when applicable, as well as the PHA's policies governing leasing issues.

8-I.B. LEASE ORIENTATION

PHA Policy

After unit acceptance but prior to occupancy, a PHA representative will provide a lease orientation to the family. The head of household or spouse is required to attend.

Orientation Agenda

PHA Policy

When families attend the lease orientation, they will be provided with:

- A copy of the lease
- A copy of the PHA's grievance procedure
- A copy of the house rules
- A copy of the PHA's schedule of maintenance charges
- A copy of the pamphlet *Protect Your Family From Lead in Your Home*
- A copy of *Things You Should Know* (HUD-1140-OIG)

Topics to be discussed will include:

- Applicable deposits and other charges
- Review and explanation of lease provisions
- Unit maintenance and work orders
- The PHA's reporting requirements
- Explanation of occupancy forms
- Community service requirements
- Family choice of rent

8-I.C. EXECUTION OF LEASE

The lease must be executed by the tenant and the PHA, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one PHA unit to another.

The lease must state the composition of the household as approved by the PHA (family members and any PHA-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

PHA Policy

The head of household, spouse or cohead, and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and the PHA will retain a copy in the resident's file.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to PHA assistance. The live-in aide is only approved to live in the unit while serving as the attendant for the participant family member.

8-I.D. MODIFICATIONS TO THE LEASE

The lease may be modified at any time by written agreement of the tenant and the PHA [24 CFR 966.4(a)(3)].

Modifications to the Lease Form

The PHA may modify its lease from time to time. However, the PHA must give residents 30 days advance notice of the proposed changes and an opportunity to comment on the changes. The PHA must also consider any comments before formally adopting the new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

PHA Policy

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

PHA Policy

When the PHA proposes to modify or revise schedules of special charges or rules and regulations, the PHA will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

Other Modifications

PHA Policy

The lease will be amended to reflect all changes in family composition.

If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and PHA will be required to initial and date the change.

If a new household member is approved by the PHA to reside in the unit, the person's name and birth date will be added to the lease. The head of household and PHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.

Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Reexaminations.

8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]

At the option of the PHA, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the PHA. The PHA may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy. Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.

PHA Policy

Residents must pay a security deposit to the PHA at the time of admission. The amount of the security deposit will be equal to the family's total tenant payment at the time of move-in, and must be paid in full prior to occupancy.

The PHA will hold the security deposit for the period the family occupies the unit. The PHA will not use the security deposit for rent or other charges while the resident is living in the unit.

Within 30 days of move-out, the PHA will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

The PHA will provide the resident with a written list of any charges against the security deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged, the PHA will provide a meeting to discuss the charges.

If the resident transfers to another unit, the PHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit.

8-I.F. PAYMENTS UNDER THE LEASE

Rent Payments [24 CFR 966.4(b)(1)]

Families must pay the amount of the monthly tenant rent determined by the PHA in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.

The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and the PHA must give written notice stating any change in the amount of tenant rent and when the change is effective.

PHA Policy

The tenant rent is due and payable at the PHA-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If a family's tenant rent changes, the PHA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

Late Fees and Nonpayment

At the option of the PHA, the lease may provide for payment of penalties when the family is late in paying tenant rent [24 CFR 966.4(b)(3)].

The lease must provide that late payment fees are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

PHA Policy

If the family fails to pay their rent by the fifth day of the month, and the PHA has not agreed to accept payment at a later date, a 14 day Notice to Vacate will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises.

In addition, if the resident fails to make payment by the end of office hours on the fifth day of the month, a late fee of \$25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the PHA may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis.

When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of \$25.00 will be charged to the family. The fee will be due and payable 14 days after billing.

Excess Utility Charges

If the PHA charges the tenant for consumption of excess utilities, the lease must state the basis for the determination of such charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b)(2)].

Schedules of special charges for utilities that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for excess utility consumption are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

PHA Policy

When applicable, families will be charged for excess utility usage according to the PHA's current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the PHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

Maintenance and Damage Charges

If the PHA charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b)(2)].

Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

PHA Policy

When applicable, families will be charged for maintenance and/or damages according to the PHA's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the PHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

PART II: INSPECTIONS

8-II.A. OVERVIEW

HUD rules require the PHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the PHA may require additional inspections, in accordance with PHA Policy. This part contains the PHA's policies governing inspections, notification of unit entry, and inspection results.

8-II.B. TYPES OF INSPECTIONS

Move-In Inspections [24 CFR 966.4(i)]

The lease must require the PHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the PHA and the resident, must be provided to the tenant and be kept in the resident file.

PHA Policy

Any adult family member may attend the initial inspection and sign the inspection form for the head of household.

Move-Out Inspections [24 CFR 966.4(i)]

The PHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to the PHA. The PHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

PHA Policy

When applicable, the PHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 10 business days of conducting the move-out inspection.

Annual Inspections

Under the Public Housing Assessment System (PHAS), the PHA is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS) [24 CFR 902.43(a)(4)].

Quality Control Inspections

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame

PHA Policy

Supervisory quality control inspections will be conducted in accordance with the PHA's maintenance plan.

Special Inspections

PHA Policy

PHA staff may conduct a special inspection for any of the following reasons:

Housekeeping

Unit condition

Suspected lease violation

Preventive maintenance

Routine maintenance

There is reasonable cause to believe an emergency exists

Other Inspections

PHA Policy

Building exteriors, grounds, common areas and systems will be inspected according to the PHA's maintenance plan.

8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS

Notice of Entry

Non-emergency Entries [24 CFR 966.4(j)(1)]

The PHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the PHA entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification.

PHA Policy

The PHA will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular annual inspections, the family will receive at least 2 weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for the PHA to enter the unit.

Emergency Entries [24 CFR 966.4(j)(2)]

The PHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the PHA must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

PHA Policy

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the PHA at least 24 hours prior to the scheduled inspection. The PHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The PHA may request verification of such cause.

Attendance at Inspections

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

PHA Policy

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit.

8-II.D. INSPECTION RESULTS

The PHA is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify the PHA of the damage, and the PHA must make repairs within a reasonable time frame.

If the damage was caused by a household member or guest, the PHA must charge the family for the reasonable cost of repairs. The PHA may also take lease enforcement action against the family.

If the PHA cannot make repairs quickly, the PHA must offer the family standard alternative accommodations. If the PHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.

PHA Policy

When conditions in the unit are hazardous to life, health, or safety, the PHA will make repairs or otherwise abate the situation within 24 hours.

Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors

Non-emergency Repairs

PHA Policy

The PHA will correct non-life threatening health and safety defects within 15 business days of the inspection date. If the PHA is unable to make repairs within that period due to circumstances beyond the PHA's control (e.g. required parts or services are not available, weather conditions, etc.) the PHA will notify the family of an estimated date of completion.

The family must allow the PHA access to the unit to make repairs.

Resident-Caused Damages

PHA Policy

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.G., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Housekeeping

PHA Policy

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the PHA will provide proper notice of a lease violation.

A reinspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

Chapter 9

REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION

The PHA is required to monitor each family's income and composition over time, and to adjust the family's rent accordingly. PHAs must adopt policies concerning the conduct of annual and interim reexaminations that are consistent with regulatory requirements, and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which the PHA must reexamine income for a family depends on whether the family pays income-based or flat rent. HUD requires the PHA to offer all families the choice of paying income-based rent or flat rent at least annually. The PHA's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

Part I: Annual Reexaminations for Families Paying Income Based Rents. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

Part II: Reexaminations for Families Paying Flat Rents. This part contains the PHA's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains the PHA's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part includes HUD requirements and PHA policies related to when a family may and must report changes that occur between annual reexaminations.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, the PHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS [24 CFR 960.257]

9-I.A. OVERVIEW

For those families who choose to pay income-based rent, the PHA must conduct a reexamination of income and family composition at least annually [24 CFR 960.257(a)(1)]. 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 3 years [24 CFR 960.257(a)(2)]. Policies related to the reexamination process for families paying flat rent are located in Part II of this chapter.

For all residents of public housing, whether those residents are paying income-based or flat rents, the PHA must conduct an annual review of community service requirement compliance. This annual reexamination is also a good time to have residents sign consent forms for criminal background checks in case the criminal history of a resident is needed at some point to determine the need for lease enforcement or eviction.

The PHA is required to obtain information needed to conduct reexaminations. How that information will be collected is left to the discretion of the PHA. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the reexamination process [24 CFR 960.259].

This part contains the PHA's policies for conducting annual reexaminations.

9-I.B. SCHEDULING ANNUAL REEXAMINATIONS

The PHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].

PHA Policy

Generally, the PHA will schedule annual reexaminations to coincide with the family's anniversary date.

The PHA will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new unit, the PHA will perform a new annual reexamination, and the anniversary date will be changed.

The PHA may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Reexamination Process

The PHA is required to obtain information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the PHA.

PHA Policy

Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or cohead. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the PHA to request a reasonable accommodation.

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact the PHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview the PHA will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without PHA approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

An advocate, interpreter, or other assistant may assist the family in the interview process.

9-I.C. CONDUCTING ANNUAL REEXAMINATIONS

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

PHA Policy

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a PHA-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7.

Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The PHA may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

PHA Policy

Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process.

Compliance with Community Service

For families who include nonexempt individuals, the PHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the PHA's policies governing compliance with the community service requirement.

9-I.D. EFFECTIVE DATES

As part of the annual reexamination process, the PHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

PHA Policy

In general, an *increase* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If the PHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the PHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date.

If the PHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the PHA.

If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the PHA by the date specified, and this delay prevents the PHA from completing the reexamination as scheduled.

PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS
[24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that the PHA offer all families the choice of paying income-based rent or flat rent at least annually. The PHA's policies for offering families a choice of rents are located in Chapter 6.

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 3 years [24 CFR 960.257(a)(2)]. The PHA is only required to provide the amount of income-based rent the family might pay in those years that the PHA conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, on an annual basis, the PHA must also review community service compliance and should have each adult resident consent to a criminal background check.

This part contains the PHA's policies for conducting reexaminations of families who choose to pay flat rents.

9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Reexamination

PHA Policy

For families paying flat rents, the PHA will conduct a full reexamination of family income and composition once every 3 years.

Reexamination Policies

PHA Policy

In conducting full reexaminations for families paying flat rents, the PHA will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.D above.

9-II.C. REEXAMINATION OF FAMILY COMPOSITION (“ANNUAL UPDATE”)

As noted above, full reexaminations are conducted every 3 years for families paying flat rents. In the years between full reexaminations, regulations require the PHA to conduct a reexamination of family composition (“annual update”) [24 CFR 960.257(a)(2)].

The annual update process is similar to the annual reexamination process, except that the PHA does not collect information about the family’s income and expenses, and the family’s rent is not recalculated following an annual update.

Scheduling

The PHA must establish a policy to ensure that the reexamination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

PHA Policy

For families paying flat rents, annual updates will be conducted in each of the 2 years following the full reexamination.

In scheduling the annual update, the PHA will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B. above.

Conducting Annual Updates

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

PHA Policy

Generally, the family will not be required to attend an interview for an annual update. However, if the PHA determines that an interview is warranted, the family may be required to attend.

Notification of the annual update will be sent by first-class mail and will inform the family of the information and documentation that must be provided to the PHA. The family will have 10 business days to submit the required information to the PHA. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. The PHA will accept required documentation by mail, by fax, or in person.

If the family’s submission is incomplete, or the family does not submit the information in the required time frame, the PHA will send a second written notice to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to the PHA.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The PHA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

PHA Policy

Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process.

Compliance with Community Service

For families who include nonexempt individuals, the PHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the PHA's policies governing compliance with the community service requirement.

PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW

Family circumstances may change throughout the period between annual reexaminations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the PHA must process interim reexaminations to reflect those changes. HUD regulations also permit the PHA to conduct interim reexaminations of income or family composition at any time.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. The PHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA- and family-initiated interim reexaminations.

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, the PHA has limited discretion in this area. Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

PHA Policy

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual reexaminations (or annual updates).

The PHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 966.4(a)(1)(v)].

PHA Policy

The family must inform the PHA of the birth, adoption or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

The PHA may adopt reasonable policies concerning residence by a foster child or a live-in aide, and defining the circumstances in which PHA consent will be given or denied. Under such policies, the factors considered by the PHA may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.
- The PHA's obligation to make reasonable accommodation for handicapped persons.

PHA Policy

Families must request PHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any 12 month period, and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by the PHA prior to the individual moving into the unit.

The PHA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, if it will require the family to transfer to a larger size unit (under the transfer policy in Chapter 12), unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by the PHA. Exceptions will be made on a case-by-case basis.

The PHA will not approve the addition of a new family or household member unless the individual meets the PHA's eligibility criteria (see Chapter 3).

If the PHA determines that an individual does not meet the PHA's eligibility criteria as defined in Chapter 3, the PHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The PHA will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

PHA Policy

If a family member ceases to reside in the unit, the family must inform the PHA within 10 business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform the PHA within 10 business days.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

PHA Policy

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.

PHA-initiated Interim Reexaminations

PHA initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the PHA. They are not scheduled because of changes reported by the family.

PHA Policy

The PHA will conduct interim reexaminations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), the PHA will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent phase-in period).

If the family has reported zero income, the PHA will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.

If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the PHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the PHA will conduct an interim reexamination.

The PHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting

HUD regulations give the PHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

PHA Policy

Families are required to report all increases in earned income, including new employment, within 10 business days of the date the change takes effect.

The PHA will only conduct interim reexaminations for families that qualify for the earned income disallowance (EID), and only when the EID family's rent will change as a result of the increase. In all other cases, the PHA will note the information in the tenant file, but will not conduct an interim reexamination.

Families are not required to report any other changes in income or expenses.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. The PHA must process the request if the family reports a change that will result in a reduced family income [PH Occ GB, p. 159].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

PHA Policy

If a family reports a change that it was not required to report and that would result in an increase in the tenant rent, the PHA will note the information in the tenant file, but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and that would result in a decrease in the tenant rent, the PHA will conduct an interim reexamination. See Section 9-III.D. for effective dates.

Families may report changes in income or expenses at any time.

9-III.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

PHA Policy

The family may notify the PHA of changes either orally or in writing. If the family provides oral notice, the PHA may also require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the PHA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, the PHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from the PHA. This time frame may be extended for good cause with PHA approval.

The PHA will accept required documentation by mail, by fax, or in person.

Effective Dates

The PHA must make the interim reexamination within a reasonable time after the family request [24 CFR 960.257(b)].

PHA Policy

If the family share of the rent is to *increase*:

The increase generally will be effective on the first of the month following 30 days' notice to the family.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the family share of the rent is to *decrease*:

The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

For those families paying income-based rent, the PHA must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]

The tenant rent calculations must reflect any changes in the PHA's utility allowance schedule [24 CFR 960.253(c)(3)]. Chapter 16 discusses how utility allowance schedules are established.

PHA Policy

Unless the PHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires the PHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the PHA redetermines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of the PHA's schedule of Utility Allowances for families in the PHA's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, the PHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of the PHA determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the PHA's grievance procedure [24 CFR 966.4(c)(4)].

PHA Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

During an annual or interim reexamination, the PHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the PHA may discover errors made by the PHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

Chapter 10

PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

INTRODUCTION

This chapter explains the PHA's policies on the keeping of pets and any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the PHA to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the PHA.

The chapter is organized as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals and pets and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

PART I: ASSISTANCE ANIMALS

[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303]

10-IA. OVERVIEW

This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals.

Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as “service animals,” “assistive animals,” “support animals,” or “therapy animals” – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the PHA's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705].

10-I.B. APPROVAL OF ASSISTANCE ANIMALS

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal [PH Occ GB, p. 179].

A PHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occ GB, p. 178].

A PHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ GB, p. 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

PHAs have the authority to regulate assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

PHA Policy

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and the PHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

10-I.C. CARE AND HANDLING

HUD regulations do not affect any authority a PHA may have to regulate assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

PHA Policy

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of an assistance animal violates these policies, the PHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the PHA determines that no such accommodation can be made, the PHA may withdraw the approval of a particular assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

PHAs may require registration of the pet with the PHA [24 CFR 960.707(b)(5)].

PH~~A~~Policy

Pets must be registered with the PHA before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

Refusal to Register Pets

PHA Policy

The PHA will refuse to register a pet if:

The pet is not a *common household pet* as defined in Section 10-II.C. below

Keeping the pet would violate any pet restrictions listed in this policy

The pet owner fails to provide complete pet registration information, or fails to update the registration annually

The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order

The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the PHA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of the PHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the PHA's grievance procedures.

Pet Agreement

PHA Policy

Residents who have been approved to have a pet must enter into a pet agreement with the PHA, or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of the PHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with the PHA's pet policy and applicable house rules may result in the withdrawal of PHA approval of the pet or termination of tenancy.

10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]

PHAs may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that the PHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

PHA's may not require pet owners to have any pet's vocal cords removed.

Definition of "Common Household Pet"

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize PHAs to define the term [24 CFR 5.306(2)].

PHA Policy

Common household pet means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not considered common household pets:

Reptiles

Rodents

Insects

Arachnids

Wild animals or feral animals

Pot-bellied pigs

Animals used for commercial breeding

Pet Restrictions

PHA Policy

The following animals are not permitted:

Any animal whose adult weight will exceed 25 pounds

Dogs of the pit bull, rottweiler, chow, or boxer breeds

Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations

Any animal not permitted under state or local law or code

Number of Pets

PHA Policy

Residents may own a maximum of 2 pets, only 1 of which may be a dog.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

Other Requirements

PHA Policy

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

10-II.D. PET RULES

Pet owners must maintain pets responsibly, in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

Pet Area Restrictions

PHA Policy

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH Occ GB, p. 182]

PHAs may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet-owning tenants.

PHAs may direct initial tenant moves as may be necessary to establish pet and no-pet areas. The PHA may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. The PHA may adjust the pet and no-pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

PHAs may not designate an entire development as a no-pet area, since regulations permit residents to own pets.

PHA Policy

With the exception of common areas as described in the previous policy, the PHA has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, the PHA has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

Cleanliness

PHA Policy

The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in a container provided by the PHA.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.

Litter shall not be disposed of by being flushed through a toilet.

Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

PHA Policy

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

Noise

PHA Policy

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Pet Care

PHA Policy

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage PHA property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

PHA Policy

The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify the PHA and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

PHA Policy

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by the PHA.

Pet Rule Violations

PHA Policy

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation

That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

Notice for Pet Removal

PHA Policy

If the pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The notice will contain:

A brief statement of the factual basis for the PHA's determination of the pet rule that has been violated

The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice

A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

Pet Removal

PHA Policy

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if the PHA after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy

PHA Policy

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

PHA Policy

The PHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

10-III.A. OVERVIEW

This part describes the PHA's policies for pet deposits and fees in elderly, disabled and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part IV.

10-III.B. PET DEPOSITS

Payment of Deposit

The PHA may require tenants who own or keep pets in their units to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)].

The maximum amount of pet deposit that may be charged by a PHA on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as the PHA may require. The PHA may permit gradual accumulation of the pet deposit by the pet owner [24 CFR 5.318(d)(3)].

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d)(5)].

PHA Policy

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is the higher of the family's total tenant payment or \$50.00, and must be paid in full before the pet is brought on the premises.

Refund of Deposit [24 CFR 5.318(d)(1)]

The PHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. The PHA must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

PHA Policy

The PHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The PHA will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.

10-III.C. OTHER CHARGES

Pet-Related Damages During Occupancy

PHA Policy

All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

PHA Policy

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the PHA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

10-IV.A. OVERVIEW

This part describes the PHA's policies for pet deposits and fees for those who reside in general occupancy developments.

10-IV.B. PET DEPOSITS

A PHA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

A PHA that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. The PHA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

Payment of Deposit

PHA Policy

Pet owners are required to pay a pet deposit of \$200 in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises.

The pet deposit is not part of rent payable by the resident.

Refund of Deposit

PHA Policy

The PHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The PHA will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.

10-IV.C. NON-REFUNDABLE NOMINAL PET FEE

PHAs may require payment of a non-refundable nominal pet fee to cover the reasonable operating costs to the development relating to the presence of pets [24 CFR 960.707(b)(1)].

PHA Policy

The PHA requires pet owners to pay a non-refundable nominal pet fee.

This fee is intended to cover the reasonable operating costs to the project relating to the presence of pets. Reasonable operating costs to the project relating to the presence of pets include, but are not limited to:

- Landscaping costs

- Pest control costs

- Insurance costs

- Clean-up costs

The pet fee of \$10.00 will be billed on a monthly basis, and payment will be due 14 calendar days after billing.

Charges for the non-refundable pet fee are not part of rent payable by the resident.

10-IV.D. OTHER CHARGES

Pet-Related Damages During Occupancy

PHA Policy

All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

PHA Policy

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Such charges will be due and payable 14 calendar days after billing.

Charges for pet waste removal are not part of rent payable by the resident.

Chapter 11

COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring PHAs to implement a community service program for all non-exempt adults living in public housing.

This chapter describes HUD regulations and PHA policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

Part II: PHA Implementation of Community Service. This part provides PHA policy regarding PHA implementation and program design.

PART I: COMMUNITY SERVICE REQUIREMENT

11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). PHAs and residents must comply with the community service requirement, effective with PHA fiscal years that commenced on or after October 1, 2000. Per 903.7(1)(1)(iii), the PHA Plan must contain a statement of the how the PHA will comply with the community service requirement, including any cooperative agreement that the PHA has entered into or plans to enter into.

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)].

In administering community service requirements, the PHA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

11-I.B. REQUIREMENTS

Each adult resident of the PHA, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

PHA Policy

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. The PHA will make the determination of whether to permit a deviation from the schedule.

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify the PHA in writing within 5 business days of the circumstances becoming known. The PHA will review the request and notify the individual, in writing, of its determination within 10 business days. The PHA may require those individuals to provide documentation to support their claim.

Definitions

Exempt Individual [24 CFR 960.601(b)]

An *exempt individual* is an adult who:

- Is age 62 years or older
- Is blind or disabled (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions
- Is a primary caretaker of such an individual
- Is engaged in work activities

PHA Policy

The PHA will consider 30 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

- Meets the requirements for being exempted from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the PHA is located, including a state-administered welfare-to-work program; or
- Is in a family receiving assistance under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the PHA is located, including a state-administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service [PH Occ GB, p. 174]

Community service is volunteer work which includes, but is not limited to:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization that serves PHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H programs, PAL, Garden Center, community clean-up programs, beautification programs, other youth or senior organizations
- Work at the PHA to help improve physical conditions
- Work at the PHA to help with children's programs

- Work at the PHA to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems, serving as an officer in a resident organization, serving on the resident advisory board
- Caring for the children of other residents so they may volunteer

NOTE: Political activity is excluded for purposes of eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b)]

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as: Any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeships (formal or informal), or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Work Activities [42 U.S.C. 607(d)]

Asit relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

Notification Requirements [24 CFR 960.605(c)(2)]

The PHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for PHA verification of exempt status. The PHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt.

PHA Policy

The PHA will provide the family with a copy of the Community Service Policy found in Exhibit 11-1 of this chapter, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request.

On an annual basis, at the time of lease renewal, the PHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes non-exempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

The PHA must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

PHA Policy

Where the lease term does not coincide with the effective date of the annual reexamination, the PHA will change the effective date of the annual reexamination to coincide with the lease term. In making this change, the PHA will ensure that the annual reexamination is conducted within 12 months of the last annual reexamination.

Annual Determination

Determination of Exemption Status

An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

PHA Policy

At least 60 days prior to lease renewal, the PHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or the PHA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, the PHA will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements.

Determination of Compliance

The PHA must review resident family compliance with service requirements annually at least thirty days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, the PHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

PHA Policy

Approximately 60 days prior to the end of the lease term, the PHA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 10 business days to submit the PHA required documentation form(s).

If the family fails to submit the required documentation within the required timeframe, or PHA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status Between Annual Determinations

PHA Policy

Exempt to Non-Exempt Status

If an exempt individual becomes non-exempt during the twelve month lease term, it is the family's responsibility to report this change to the PHA within 10 business days.

Within 10 business days of a family reporting such a change, or the PHA determining such a change is necessary, the PHA will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following 30 day notice.

Non-Exempt to Exempt Status

If a non-exempt person becomes exempt during the twelve month lease term, it is the family's responsibility to report this change to the PHA within 10 business days. Any claim of exemption will be verified by the PHA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or the PHA determining such a change is necessary, the PHA will provide the family written notice that the family member is no longer subject to the community service requirement, if the PHA is able to verify the exemption.

The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

The PHA must retain reasonable documentation of service requirement performance or exemption in participant files.

Documentation and Verification of Exemption Status

PHA Policy

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. The PHA will provide a completed copy to the family and will keep a copy in the tenant file.

The PHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

The PHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the PHA's determination, s/he can dispute the decision through the PHA's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

If qualifying community service activities are administered by an organization other than the PHA, a family member who is required to fulfill a service requirement must provide certification to the PHA, signed by the organization, that the family member has performed the qualifying activities [24 CFR 960.607].

PHA Policy

If anyone in the family is subject to the community service requirement, the PHA will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement during the lease term, or upon request by the family.

Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to the PHA, upon request by the PHA.

If the PHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, the PHA has the right to require third-party verification.

11-I.E. NONCOMPLIANCE

Initial Noncompliance

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term, but not for termination of tenancy during the course of the twelve month lease term [24 CFR 960.603(b)].

If the tenant or another family member has violated the community service requirement, the PHA may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the PHA. Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit [24 CFR 960.607(c)].

Notice of Initial Noncompliance [24 CFR 960.607(b)]

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

The notice to the tenant must briefly describe the noncompliance. The notice must state that the PHA will not renew the lease at the end of the twelve-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with the PHA to cure the noncompliance, or the family provides written assurance satisfactory to the PHA that the tenant or other noncompliant resident no longer resides in the unit.

The notice must also state that the tenant may request a grievance hearing on the PHA's determination, in accordance with the PHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of the PHA's determination.

PHA Policy

The notice of initial noncompliance will be sent at least 45 days prior to the end of the lease term.

The family will have 10 business days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the PHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, the PHA will terminate tenancy in accordance with the policies in Section 13-IV.D.

Continued Noncompliance [24 CFR 960.607(b)]

If, after the 12 month cure period, the family member is still not compliant, the PHA must terminate tenancy of the entire family, according to the PHA's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

PHA Policy

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 10 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the PHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

11-II.A. OVERVIEW

Each PHA must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in the PHA's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

PHA Implementation of Community Service

The PHA may not substitute any 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 [24 CFR 960.609].

PHA Policy

The PHA will notify its insurance company if residents will be performing community service at the PHA. In addition, the PHA will ensure that the conditions under which the work is to be performed are not hazardous.

If a disabled resident certifies that s/he is able to perform community service, the PHA will ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 2.

PHA Program Design

The PHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

PHA Policy

The PHA will attempt to provide the broadest choice possible to residents as they choose community service activities.

The PHA's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. The PHA will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

The PHA will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, the PHA will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations.

Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in the PHA Plan.

The PHA will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

EXHIBIT 11-1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY

A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the public housing lease.

B. Definitions

Community Service – volunteer work which includes, but is not limited to:

- Work at a local institution, including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization such as: Parks and Recreation, United Way, Red Cross, Volunteers of America, Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H Program, PAL, Garden Center, community clean-up programs, beautification programs, other counseling, aid, youth or senior organizations
- Work at the housing authority to help with litter control
- Work at the housing authority to help with children's programs
- Work at the housing authority to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems
- Serving as an officer in a resident organization
- Serving on the Resident Advisory Board
- Caring for children of other residents so they may volunteer

NOTE: Political activity is excluded.

Self-Sufficiency Activities – activities that include, but are not limited to:

- Job readiness programs
- Job training programs
- GED classes
- Substance abuse or mental health counseling
- English proficiency or literacy (reading) classes
- Apprenticeships
- Budgeting and credit counseling
- Any kind of class that helps a person toward economic independence
- Student status at any school, college or vocation school

Exempt Adult – an adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the primary caretaker of such an individual
- Is working at least 30 hours per week
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program including a State-administered welfare-to-work program
- Is a member of a family receiving assistance, benefits or services under TANF or any other State welfare program and has not been found to be in noncompliance with such program

C. Requirements of the Program

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The housing authority will make the determination of whether to allow or disallow a deviation from the schedule based on a family's written request.
3. Family obligation:
 - At lease execution, all adult members (18 or older) of a public housing resident family must:
 - Sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the community service requirement will result in a nonrenewal of their lease; and
 - Declare if they are exempt. If exempt, they must complete the Exemption Form (Exhibit 11-3) and provide documentation of the exemption.
 - Upon written notice from the PHA, non-exempt family members must present complete documentation of activities performed during the applicable lease term. This documentation will include places for signatures of supervisors, instructors, or counselors, certifying to the number of hours contributed.
 - If a family member is found to be noncompliant at the end of the 12-month lease term, he or she, and the head of household, will be required to sign an agreement with the housing authority to make up the deficient hours over the next twelve (12) month period, as a condition of continued occupancy.
4. Change in exempt status:
 - If, during the twelve (12) month lease period, a non-exempt person becomes exempt, it is his or her responsibility to report this to the PHA and provide documentation of exempt status.
 - If, during the twelve (12) month lease period, an exempt person becomes non-exempt, it is his or her responsibility to report this to the PHA. Upon receipt of this information the PHA will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.

D. Authority Obligation

1. To the greatest extent possible and practicable, the PHA will:
 - Provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations.
 - Provide in-house opportunities for volunteer work or self-sufficiency activities.
2. The PHA will provide the family with a copy of this policy, and all applicable exemption verification forms and community service documentation forms, at lease-up, lease renewal, when a family member becomes subject to the community service requirement during the lease term, and at any time upon the family's request.
3. Although exempt family members will be required to submit documentation to support their exemption, the PHA will verify the exemption status in accordance with its verification policies. The PHA will make the final determination as to whether or not a family member is exempt from the community service requirement. Residents may use the PHA's grievance procedure if they disagree with the PHA's determination.
4. Noncompliance of family member:
 - At least thirty(30) days prior to the end of the 12-month lease term, the PHA will begin reviewing the exempt or non-exempt status and compliance of family members;
 - If, at the end of the initial 12-month lease term under which a family member is subject to the community service requirement, the PHA finds the family member to be noncompliant, the PHA will not renew the lease unless:
 - The head of household and any other noncompliant resident enter into a written agreement with the PHA, to make up the deficient hours over the next twelve (12) month period; or
 - The family provides written documentation satisfactory to the PHA that the noncompliant family member no longer resides in the unit.
 - If, at the end of the next 12-month lease term, the family member is still not compliant, a 30-day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to the PHA that the noncompliant family member no longer resides in the unit;
 - The family may use the PHA's grievance procedure to dispute the lease termination.

All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.

Resident Date _____

Resident Date _____

Resident Date _____

Resident Date _____

**EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS
216(i)(1) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE**

Social Security Act:

216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt):

SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term “aged, blind, or disabled individual” means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

Chapter 12

TRANSFER POLICY

INTRODUCTION

This chapter explains the PHA's transfer policy, based on HUD regulations, HUD guidance, and PHA policy decisions.

This chapter describes HUD regulations and PHA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: PHA Required Transfers. This part describes types of transfers that may be required by the PHA, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

The PHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The PHA must have specific policies in place to deal with acceptable transfer requests.

PART I: EMERGENCY TRANSFERS

12-1.A. OVERVIEW

HUD categorizes certain actions as emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the PHA.

In the case of a genuine emergency, it may be unlikely that the PHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the PHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is reached.

12-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

PHA Policy

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

12-I.C. EMERGENCY TRANSFER PROCEDURES

PHA Policy

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the PHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the PHA will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers are mandatory for the tenant.

12-I.D. COSTS OF TRANSFER

PHA Policy

The PHA will bear the reasonable costs of temporarily accommodating the tenant and of long term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

The PHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the PHA will collect information from companies in the community that provide these services.

The PHA will reimburse the family for eligible out-of-pocket moving expenses up to the PHA's established moving allowance.

PART II: PHA REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the PHA to develop reasonable transfer policies.

The PHA may require that a resident transfer to another unit under some circumstances. For example, the PHA may require a resident to transfer to make an accessible unit available to a disabled family. The PHA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a PHA may transfer residents in order to demolish or renovate the unit.

A transfer that is required by the PHA is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

12-II.B. TYPES OF PHA REQUIRED TRANSFERS

PHAPolicy

The types of transfers that may be required by the PHA, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter.

Transfers required by the PHA are mandatory for the tenant.

Transfers to Make an Accessible Unit Available

When a family is initially given an accessible unit, but does not require the accessible features, the PHA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

PHAPolicy

When a non-accessible unit becomes available, the PHA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The PHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers

The PHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to PHA policy [24 CFR 960.257(a)(4)]. On some occasions, the PHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

PHA Policy

The PHA will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

Overcrowded: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B.

Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the PHA's occupancy standards as described in Section 5-I.B.

The PHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the PHA's occupancy standards, when the PHA determines there is a need for the transfer.

The PHA may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by the PHA that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Section 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

These transfers permit the PHA to demolish, sell or do major capital or rehabilitation work at a building site [PH Occ GB, page 148].

PHA Policy

The PHA will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. The PHA's relocation plan may or may not require transferring affected families to other available public housing units.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

A PHA required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the PHA may not take action on the transfer until the conclusion of the grievance process.

12-II.D. COST OF TRANSFER

PHA Policy

The PHA will bear the reasonable costs of transfers that the PHA requires, except that residents will be required to bear the cost of occupancy standards transfers.

The reasonable costs of transfers include the cost of packing, moving, and unloading.

The PHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the PHA will collect information from companies in the community that provide these services.

The PHA will reimburse the family for eligible out-of-pocket moving expenses up to the PHA's established moving allowance.

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

HUD provides the PHA with discretion to consider transfer requests from tenants. The only requests that the PHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the PHA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the PHA.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS

PHA Policy

The types of requests for transfers that the PHA will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the PHA's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the PHA.

The PHA will consider the following as high priority transfer requests:

When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature

When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the PHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime or domestic violence, dating violence, sexual assault, or stalking.

When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

The PHA will consider the following as regular priority transfer requests:

When a family requests a larger bedroom size unit even though the family does not meet the PHA's definition of overcrowded, as long as the family meets the PHA's occupancy standards for the requested size unit

When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate

Transfers requested by the tenant are considered optional for the tenant.

12-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the PHA may establish other standards for considering a transfer request [PH Occ GB, p. 150].

PHA Policy

Except where reasonable accommodation is being requested, the PHA will only consider transfer requests from residents that meet the following requirements:

- Have not engaged in criminal activity that threatens the health and safety of residents and staff
- Owe no back rent or other charges, or have a pattern of late payment
- Have no housekeeping lease violations or history of damaging property
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the PHA's advantage to make the transfer.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

12-III.D. SECURITY DEPOSITS

PHA Policy

When a family transfers from one unit to another, the PHA will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or others charges due for the “old” unit.

12-III.E. COST OF TRANSFER

PHA Policy

The resident will bear all of the costs of transfer s/he requests. However, in cases of documented financial hardship, the PHA will consider assuming the transfer costs when the transfer is done as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS

PHA Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The PHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family.

If the family does not meet the "good record" requirements under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

The PHA will respond within ten (10) business days of the submission of the family's request. If the PHA denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW

Generally, transfers should be placed on a transfer list and handled in the appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience disparate treatment.

12-IV.B. TRANSFER LIST

PHA Policy

The PHA will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis. If the emergency will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions)
2. High-priority transfers (verified medical condition, threat of harm or criminal activity, and reasonable accommodation)
3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other PHA-required transfers
7. Other tenant-requested transfers

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

With the approval of the executive director, the PHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow the PHA to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions.

12-IV.C. TRANSFER OFFER POLICY

PHA Policy

Residents will receive one offer of a transfer.

When the transfer is required by the PHA, refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six months to reapply for another transfer.

12-IV.D. GOOD CAUSE FOR UNIT REFUSAL

PHA Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or an educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to the PHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

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

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The unit has lead-based paint and the family includes children under the age of six.

The PHA will require documentation of good cause for unit refusals.

12-IV.E. DECONCENTRATION

PHA Policy

If subject to deconcentration requirements, the PHA will consider its deconcentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the PHA's deconcentration goals. A deconcentration offer will be considered a "bonus" offer; that is, if a resident refuses a deconcentration offer, the resident will receive one additional transfer offer.

12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS

PHA Policy

The reexamination date will be changed to the first of the month in which the transfer took place.

Chapter 13

LEASE TERMINATIONS

INTRODUCTION

Either party in a lease agreement may terminate the lease under certain circumstances. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program, to assure that qualified families are provided decent, safe, and sanitary housing which is in good repair. The PHA may terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations specify some reasons for which a PHA can terminate a family's lease, and give PHAs authority to determine other reasons.

When determining PHA policy on terminations, state and local landlord-tenant laws must be considered, since such laws could vary from one location to another. These variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern both the family's and PHA's termination of the lease. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the family's voluntary termination of the lease and the requirements the PHA places upon families who wish to terminate their lease.

Part II: Termination by PHA - Mandatory. This part describes the policies that govern how, and under what circumstances, a mandatory lease termination by the PHA occurs. This part also includes nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by PHA – Other Authorized Reasons. This part describes the PHA's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes PHAs to terminate. For some of these options HUD requires the PHA to establish policies and lease provisions for termination, but termination is not mandatory. For other options the PHA has full discretion whether to consider the options as just cause to terminate as long as the PHA policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the PHA may consider in lieu of termination, and the criteria the PHA will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and PHA policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

PART I: TERMINATION BY TENANT

13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the project office or the PHA central office or sent by pre-paid first-class mail, properly addressed.

PHA Policy

If a family desires to move and terminate their tenancy with the PHA, they must give at least 30 calendar days advance written notice to the PHA of their intent to vacate. When a family must give less than 30 days notice due to circumstances beyond their control the PHA, at its discretion, may waive the 30 day requirement.

The notice of lease termination must be signed by the head of household, spouse, or cohead.

PART II: TERMINATION BY PHA – MANDATORY

13-II.A. OVERVIEW

HUD requires the PHA to terminate the lease in certain circumstances. In other circumstances HUD requires the PHA to establish provisions for lease termination, but it is still a PHA option to determine, on a case-by-case basis, whether termination is warranted. For those tenant actions or failures to act where HUD requires termination, the PHA has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires the PHA to terminate the lease.

13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

The PHA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination. See Chapter 7 for a complete discussion of consent requirements.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

The PHA must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

See Chapter 7 for a complete discussion of documentation requirements.

13-II.D. FAILURE TO PROVIDE SOCIAL SECURITY DOCUMENTATION [24 CFR 5.218(c) and 24 CFR 960.259(a)(3)]

The PHA must terminate the lease if a resident family fails to provide the documentation or certification required for any family member who obtains a social security number, joins the family, or reaches 6 years of age. See Chapter 7 for a complete discussion of documentation and certification requirements.

13-II.E. FAILURE TO ACCEPT THE PHA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

The PHA must terminate the lease if the family fails to accept the PHA's offer of a lease revision to an existing lease, provided the PHA has done the following:

- The revision is on a form adopted by the PHA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
- The PHA has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
- The PHA has specified in the offer a reasonable time limit within that period for acceptance by the family. See Chapter 8 for information pertaining to PHA policies for offering lease revisions.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]

The PHA must immediately terminate the lease if the PHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing. See Part 13-III.B. below for the HUD definition of *premises*.

13-II.G. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

The PHA is prohibited from renewing the lease at the end of the 12 month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

PART III: TERMINATION BY PHA – OTHER AUTHORIZED REASONS

13-III.A. OVERVIEW

Besides requiring PHAs to terminate the lease under the circumstances described in Part II, HUD requires the PHA to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require PHAs to terminate for such violations in all cases. The PHA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and the PHA may, as an alternative to termination, require the exclusion of the culpable household member. The PHA must make policy decisions concerning these options. In addition, HUD authorizes PHAs to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or that are for other good cause. The PHA must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the PHA lease. In the development of the terms of the lease, the PHA must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords PHAs wide discretion in some areas, a broad range of policies could be acceptable.

The PHA, with some restrictions, also has the option to terminate the tenancies of families who are over income. The PHA may consider alternatives to termination and must establish policies describing the criteria the PHA will use when deciding what action to take, the types of evidence that will be acceptable, and the steps the PHA must take when terminating a family's lease.

13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(i)(5)]

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore PHA policies are needed.

***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

Covered person means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

Dating violence is defined in section 3-III.F.

Domestic violence is defined in section 3-III.F.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

Guest means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Household means the family and PHA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

Immediate family member is defined in section 3-III.F.

Other person under the tenant's control means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

Premises means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Stalking is defined in section 3-III.F.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

PHA Policy

The PHA will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

The PHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that a PHA may evict a family when the PHA determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

PHA Policy

The PHA will terminate the lease when the PHA determines that a household member is illegally using a drug or the PHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous six months.

The PHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including PHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

PHA Policy

The PHA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including PHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises.

Immediate vicinity means within a three-block radius of the premises.

The PHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]

PHAs must establish standards that allow termination of tenancy if the PHA determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

PHA Policy

The PHA will terminate the lease if the PHA determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous six months.

The PHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

**Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation
[24 CFR 966.4(l)(5)(vi)(B)]**

PHAs must establish standards that allow termination of tenancy if the PHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

PHA Policy

The PHA will terminate the lease if the PHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

The PHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [Pub.L. 109-162].

PHA Policy

The PHA will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Four late payments within a 12 month period shall constitute a repeated late payment.

Failure to fulfill the following household obligations:

Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Not to provide accommodations for boarders or lodgers

To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose

To abide by necessary and reasonable regulations promulgated by the PHA for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease

To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety

To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition

To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner

To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators

To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project

To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest

To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13 III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes PHAs to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as “other good cause.”

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

HUD regulations state that the PHA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the PHA to only those examples. The Violence against Women Reauthorization Act of 2005 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, or stalking as “other good cause” for terminating the tenancy or occupancy rights of the victim of such violence.

PHA Policy

The PHA will terminate the lease for the following reasons.

Fugitive Felon or Parole Violator. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

Persons subject to sex offender registration requirement. If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery after admission of facts that made the tenant ineligible

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income

Failure to furnish such information and certifications regarding family composition and income as may be necessary for the PHA to make determinations with respect to rent, eligibility, and the appropriateness of dwelling size

Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available

Failure to permit access to the unit by the PHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists

Failure to promptly inform the PHA of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.

Failure to abide by the provisions of the PHA pet policy

If the family has breached the terms of a repayment agreement entered into with the PHA

If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

If a household member has engaged in or threatened violent or abusive behavior toward PHA personnel. *Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors described in Sections 13-III.E and 13 III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Family Absence from Unit [24 CFR 982.551(i)]

It is reasonable that the family may be absent from the public housing unit for brief periods. However, the PHA needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

PHA Policy

The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit, the PHA will terminate the lease for other good cause. *Abandonment*. If the family appears to have vacated the unit without giving proper notice, the PHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the PHA will secure the unit immediately to prevent vandalism and other criminal activity.

Over-Income Families [24 CFR 960.261 and FR 11/26/04, p. 68786]

Subject to certain restrictions, HUD authorizes PHAs to evict or terminate the tenancies of families because they are over income. Unless required to do so by local law, the PHA may not evict or terminate the tenancy of a family solely because the family is over income if: (1) the family has a valid contract of participation in the Family Self-Sufficiency (FSS) program, or (2) the family is currently receiving the earned income disallowance. This rule does not require PHAs to evict over-income residents, but rather gives PHAs the discretion to do so thereby making units available for applicants who are income-eligible.

PHA Policy

The PHA will not evict or terminate the tenancies of families solely because they are over income.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that the PHA may consider exclusion of the culpable household member. Such an alternative can be used, by PHA policy, for any other reason where such a solution appears viable.

PHA Policy

The PHA will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon PHA request.

Repayment of Family Debts

PHA Policy

If a family owes amounts to the PHA, as a condition of continued occupancy, the PHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the PHA of the amount owed. See Chapter 16 for policies on repayment agreements.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

A PHA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence [24 CFR 982.553(c)]

For criminal activity, HUD permits the PHA to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

PHA Policy

The PHA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 966.4(I)(5)(vii)(B)]

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the PHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

PHA Policy

The PHA will consider the following factors before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

The seriousness of the offending action, especially with respect to how it would affect other residents

The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, or stalking

The effects that the eviction will have on other family members who were not involved in the action or failure to act

The effect on the community of the termination, or of the PHA's failure to terminate the tenancy

The effect of the PHA's decision on the integrity of the public housing program

The demand for housing by eligible families who will adhere to lease responsibilities

The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action

The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future

In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]

HUD authorizes PHAs to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

PHA Policy

In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, the PHA will 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.

For this purpose the PHA will require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

Reasonable Accommodation [24 CFR 966.7]

If the family includes a person with disabilities, the PHA's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

PHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, the PHA will determine whether the behavior is related to the disability. If so, upon the family's request, the PHA will determine whether alternative measures are appropriate as a reasonable accommodation. The PHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]

The PHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

13-III.F. PROHIBITION AGAINST TERMINATING TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162 and 109-271]

The Violence against Women Reauthorization Act of 2005 (VAWA), provides that “criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate family member of the tenant’s family is the victim or threatened victim of that abuse.” VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

VAWA does not limit the PHA’s authority to terminate the tenancy of any tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property.

Victim Documentation

PHA Policy

When a tenant family is facing lease termination because of the actions of a tenant, household member, guest, or other person under the tenant's control and a tenant or immediate family member of the tenant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, the PHA will require the individual to submit documentation affirming that claim.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking

One of the following:

A police or court record documenting the actual or threatened abuse

A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification and supporting documentation must be submitted to the PHA within 14 business days after the PHA request is received by the victim. Upon written request from the tenant, the PHA will extend the 14-day deadline for an additional 10 business days as long as the extension request is submitted within the initial 14 business-day period. If the individual does not provide the required certification and supporting documentation within 14 business days or the approved extension period, the PHA will proceed with termination of the family's lease.

If the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated, the PHA will bypass the standard process and proceed with the immediate termination of the family's lease.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide protection for perpetrators. In fact, VAWA gives the PHA the explicit authority to bifurcate a lease, or to remove a household member from a lease, “in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.” This authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance [PubL. 109 -271].

PHA Policy

When the actions of a tenant or other family member result in a determination by the PHA to terminate the family’s lease and another family member claims that the actions involve criminal acts of physical violence against family members or others, the PHA will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification and supporting documentation are submitted within the required time frame or any approved extension period, the PHA will bifurcate the lease and evict or terminate the occupancy rights of the perpetrator. If the victim does not provide the certification and supporting documentation, as required, the PHA will proceed with termination of the family’s lease.

If the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant’s tenancy is not terminated, the PHA will bypass the standard process and proceed with the immediate termination of the family.

PHA Confidentiality Requirements

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

13-IV.A. OVERVIEW

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]

HUD authorizes PHAs to conduct criminal records checks on public housing residents for lease enforcement and eviction. PHA policy determines when the PHA will conduct such checks.

PHA Policy

The PHA will conduct criminal records checks when it has come to the attention of the PHA, either from local law enforcement or by other means, that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

The PHA may not pass along to the tenant the costs of a criminal records check.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]

In conducting criminal records checks, if the PHA uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if the PHA obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, the PHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

PHA Policy

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, the PHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of the PHA notice, to dispute the accuracy and relevance of the information. If the family does not contact the PHA to dispute the information within that 10 business day period, the PHA will proceed with the termination action.

Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]

Form, Delivery, and Content of the Notice

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine PHA documents directly relevant to the termination or eviction. If the PHA does not make the documents available for examination upon request by the tenant, the PHA may not proceed with the eviction [24 CFR 996.4(m)].

When the PHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the PHA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When the PHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the PHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA, or for a drug-related criminal activity on or off the premises.

PHA Policy

The PHA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such attempt fails, the notice will be sent by first-class mail the same day.

All notices of lease termination will include a statement of the protection against termination provided by VAWA for victims of domestic violence, dating violence, or stalking. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in Section 13-III.F.

Timing of the Notice [24 CFR 966.4(1)(3)(i)]

The PHA must give written notice of lease termination of:

- 14 calendar days in the case of failure to pay rent
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days)
 - If the health or safety of other residents, PHA employees, or persons residing in the immediate vicinity of the premises is threatened
 - If any member of the household has engaged in any drug-related criminal activity or violent criminal activity
 - If any member of the household has been convicted of a felony
- 30 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply
 - PHA Policy
 - The PHA will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations the PHA will give 30 days written notice or, if state or local law allows less than 30 days, such shorter notice will be given.

The Notice to Vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(1)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

When the PHA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

PHA Policy

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement, and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for the PHA's informal hearing procedures.

13-IV.E. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The PHA may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

PHA Policy

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, the PHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, the PHA will seek the assistance of the court to remove the family from the premises as per state and local law.

The PHA may not proceed with an eviction action if the PHA has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

13-IV.F. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]

When the PHA evicts an individual or family for criminal activity, including drug-related criminal activity, the PHA must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

13-IV.G. RECORD KEEPING

For more information concerning general record keeping, see Chapter 16.

PHA Policy

A written record of every termination and/or eviction will be maintained by the PHA at the development where the family was residing, and will contain the following information:

Name of resident, number and identification of unit occupied

Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently

Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)

Date and method of notifying the resident

Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

Chapter 14

GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to PHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the PHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

When the PHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the PHA policies necessary to respond to applicant appeals through the informal hearing process.

14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in the PHA grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

Use of Informal Hearing Process

While the PHA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the PHA could make the informal hearing process available to applicants who wish to dispute other PHA actions that adversely affect them.

PHA Policy

The PHA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

The PHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the PHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

Scheduling an Informal Hearing

PHA Policy

A request for an informal hearing must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA's notification of denial of admission.

Except as provided in Section 3-III.F, the PHA will schedule and send written notice of the informal hearing within 10 business days of the family's request.

Conducting an Informal Hearing [PH Occ GB, p. 58]

PHA Policy

The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of the PHA.

The person conducting the informal hearing will make a recommendation to the PHA, but the PHA is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision [PH Occ GB, p. 58]

PHA Policy

The PHA will notify the applicant of the PHA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the PHA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in PHA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. The PHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the PHA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, the PHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the PHA must consider such accommodations. The PHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and proof of mailing.

PHA Policy

The PHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide the PHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

PHA Policy

The PHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

PHA Policy

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of PHA documents no later than

12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the PHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the PHA is still obligated to provide oral translation services in accordance with its LEP Plan.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing.

PHA Policy

The PHA will not provide a transcript of an audio taped informal hearing.

Hearing Decision

The PHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(h)]

The PHA must retain for a minimum of 5 years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

PART III:GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]

PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any PHA action or failure to act involving the lease or PHA policies which adversely affect their rights, duties, welfare, or status.

The PHA grievance procedure must be included in, or incorporated by reference in, the lease.

PHA Policy

The PHA grievance procedure will be incorporated by reference in the tenant lease.

The PHA must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the PHA grievance procedure, and providing an opportunity to present written comments. Comments submitted must be considered by the PHA before adoption of any grievance procedure changes by the PHA.

PHA Policy

Residents and resident organizations will have 30 calendar days from the date they are notified by the PHA of any proposed changes in the PHA grievance procedure, to submit written comments to the PHA.

The PHA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant’s lease or PHA regulations which adversely affect the individual tenant’s rights, duties, welfare or status
- **Complainant** – any tenant whose grievance is presented to the PHA or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
 - Right of the tenant to be represented by counsel
 - Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
 - A decision on the merits
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto
- **Tenant** – the adult person (or persons) (other than a live-in aide)
 - Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation

14-III.C. APPLICABILITY [24 CFR 966.51]

Potential grievances could address most aspects of a PHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the PHA. It is not applicable to disputes between tenants not involving the PHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the PHA.

If HUD has issued a due process determination, a PHA may exclude from the PHA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, but may use expedited grievance procedures, as described in Section 14-III.E. below, to deal with the first two of the above three categories of lease terminations.

If HUD has issued a due process determination, the PHA may evict through the state/local judicial eviction procedures. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA's grievance procedure as described above.

PHA Policy

The PHA is not located in a due process state, therefore it must grant opportunity for grievance hearings for all lease terminations, regardless of cause.

See Chapter 13 for related policies on the content of termination notices.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the PHA office or to the office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

PHA Policy

The PHA will accept requests for an informal settlement of a grievance either orally or in writing, to the PHA office within 10 business days of the grievable event. Within 10 business days of receipt of the request the PHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, the PHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the PHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

PHA Policy

The PHA will prepare a summary of the informal settlement within 5 business days; one copy to be given to the tenant and one copy to be retained in the PHA's tenant file.

For PHAs who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal settlement process to the hearing officer/panel, the hearing officer/panel may waive this provision [24 CFR 966.55(d)].

The complainant must submit the request in writing for a grievance hearing within a reasonable time after receipt of the summary of informal discussion [24 CFR 966.55(a)]. The request must specify the reasons for the grievance and the action or relief sought.

PHA Policy

The resident must submit a written request for a grievance hearing to the PHA within 5 business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, the PHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the PHA's action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

Escrow Deposits [24 CFR 966.55(e)]

Before a hearing is scheduled in any grievance involving the amount of rent that the PHA claims is due, the family must pay an escrow deposit to the PHA. When a family is required to make an escrow deposit, the amount is the amount of rent the PHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

The PHA must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless the PHA waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

PHA Policy

The PHA will not waive the escrow requirement for grievances involving rent amounts except where required to do so by regulation.

Scheduling of Hearings [24 CFR 966.55(f)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably convenient to both the complainant and the PHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate PHA official.

PHA Policy

Within 10 business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and the PHA.

The PHA may wish to permit the tenant to request to reschedule a hearing for good cause.

PHA Policy

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.55(g)]

The PHA may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA, or
- Any drug-related criminal activity on or near such premises

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable.

The PHA may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling, or provisions for expedited decision on the grievance.

PHA Policy

The PHA will follow expedited grievance procedures for any grievance concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA, or any drug-related criminal activity on or near such premises. Such procedures will provide for an expedited notice of hearing request, an expedited scheduling of the hearing, and for an expedited decision on the grievance. The tenant will have 3 business days to make their hearing request. The hearing officer will have 3 business days to schedule the hearing, and 3 business days to render a decision. All other aspects of the expedited grievance process shall be the same as for other grievances.

14-III.F. SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]

The grievance hearing must be conducted by an impartial person or persons appointed by the PHA, other than the person who made or approved the PHA action under review, or a subordinate of such person.

PHA Policy

PHA grievance hearings will be conducted by a single hearing officer and not a panel.

The PHA has designated the following to serve as hearing officers:

[List here positions/organizations that have been designated to serve as hearing officers]

The PHA must determine the methodology for appointment of the hearing officer and it must be stated in the grievance procedure.

PHA Policy

The PHA will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy, of the complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

The PHA must consult with resident organizations before a person is appointed as a hearing officer or hearing panel member. Comments from the resident organizations must be considered before making the appointment.

14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.

PHA Policy

The tenant will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the hearing.

- The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.

PHA Policy

Hearings may be attended by the following applicable persons:

A PHA representative(s) and any witnesses for the PHA

The tenant and any witnesses for the tenant

The tenant's counsel or other representative

Any other person approved by the PHA as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

Decision without Hearing [24 CFR 966.56(c)]

The hearing officer/panel may render a decision without proceeding with the hearing if the hearing officer/panel determines that the issue has been previously decided in another proceeding.

Failure to Appear [24 CFR 966.56(d)]

If the complainant or the PHA fails to appear at a scheduled hearing, the hearing officer/panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the PHA must be notified of the determination by the hearing officer/panel: Provided, That a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

PHA Policy

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

“Good cause” is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procedures [24 CFR 966.56(e), (f), and (g)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)].

The hearing must be conducted informally by the hearing officer/panel. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

PHA Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the PHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If the PHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine PHA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of the PHA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer/panel must require the PHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer/panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

PHA Policy

If the complainant would like the PHA to record the proceedings by audiotape, the request must be made to the PHA by 12:00 p.m. on the business day prior to the hearing.

The PHA will consider that an audio tape recording of the proceedings is a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]

The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of the PHA's responsibilities pertaining to reasonable accommodation.

14-III.H. DECISION OF THE HEARING OFFICER/PANEL [24 CFR 966.57]

The hearing officer/panel must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and the PHA. The PHA must retain a copy of the decision in the tenant's folder. A copy of the decision, with all names and identifying references deleted, must also be maintained on file by the PHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer/panel [24 CFR 966.57(a)].

PHA Policy

In rendering a decision, the hearing officer will consider the following matters:

PHA Notice to the Family: The hearing officer will determine if the reasons for the PHA's decision are factually stated in the notice.

Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with PHA policy.

PHA Evidence to Support the PHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the PHA's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.

The hearing officer will issue a written decision to the family and the PHA no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

- Name of the complainant
- Date, time and place of the hearing
- Name of the hearing officer
- Name of the PHA representative(s)
- Name of family representative (if any)
- Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence

may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the PHA's decision.

Order: The hearing report will include a statement of whether the PHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct the PHA to restore the family's status.

Procedures for Further Hearing

PHA Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the PHA will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer/panel is binding on the PHA which must take the action, or refrain from taking the action cited in the decision unless the PHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA
PHA Policy

When the PHA considers the decision of the hearing officer to be invalid due to the reasons stated above, it will present the matter to the PHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer/panel, or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

Chapter 15

PROGRAM INTEGRITY

INTRODUCTION

The PHA is committed to ensuring that funds made available to the PHA are spent in accordance with HUD requirements.

This chapter covers HUD and PHA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents PHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the PHA must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

15-1.A. PREVENTING ERRORS AND PROGRAM ABUSE

PHA Policy

The PHA anticipates that the vast majority of families and PHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that the PHA's program is administered effectively and according to the highest ethical and legal standards, the PHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

The PHA will provide each applicant and resident with the publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a family must avoid and the penalties for program abuse.

The PHA will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the lease. The PHA will discuss program compliance and integrity issues. At the conclusion of all program orientation sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

The PHA will routinely provide resident counseling as part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements.

PHA staff will be required to review and explain the contents of all HUD- and PHA-required forms prior to requesting family member signatures.

The PHA will place a warning statement about the penalties for fraud (as described in the False Statement Act, U.S.C. 1001 and 1010) on key PHA forms and form letters that request information from a family member.

The PHA will provide each PHA employee with the necessary training on program rules and the organization's standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

15-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the PHA will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

PHA Policy

The PHA will employ a variety of methods to detect errors and program abuse, including:

The PHA routinely will use available sources of up-front income verification to compare with family-provided information.

At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.

The PHA will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

OMB Circular A-133 requires all PHAs that expend \$500,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of PHA activities and notifies the PHA of errors and potential cases of program abuse.

PHA Policy

The PHA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the PHA's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

PHA Policy

The PHA will encourage staff, residents, and the public to report possible program abuse.

15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When the PHA Will Investigate

PHA Policy

The PHA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for the PHA to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

The PHA will investigate inconsistent information related to the family that is identified through file reviews and the verification process.

Consent to Release of Information [24 CFR 960.259]

The PHA may investigate possible instances of error or abuse using all available PHA and public records. If necessary, the PHA will require applicant/resident families to give consent to the release of additional information.

Analysis and Findings

PHA Policy

The PHA will base its evaluation on a preponderance of the evidence collected during its investigation.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

For each investigation the PHA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the PHA, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether the PHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

PHA Policy

In the case of family-caused errors or program abuse, the PHA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

PHA Policy

The PHA will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which the PHA determined the error or program abuses, (3) the remedies to be employed, and (4) the family's right to appeal the results through an informal hearing or grievance hearing (see Chapter 14).

PART II: CORRECTIVE MEASURES AND PENALTIES

15-II.A. UNDER- OR OVERPAYMENT

An under- or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family.

Corrections

Whether the incorrect rental determination is an overpayment or underpayment, the PHA must promptly correct the tenant rent and any utility reimbursement prospectively.

PHA Policy

Increases in the tenant rent will be implemented only after the family has received 30 days notice.

Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

Reimbursement

Whether the family is required to reimburse the PHA or the PHA is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members.

An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the PHA to use incorrect information provided by a third party.

Family Reimbursement to PHA

PHA Policy

In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The PHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, the PHA will terminate the family's lease in accordance with the policies in Chapter 13.

PHA Reimbursement to Family

PHA Policy

The PHA will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family.

Prohibited Actions

An applicant or resident in the public housing program must not knowingly:

- Make a false statement to the PHA [Title 18 U.S.C. Section 1001].
- Provide incomplete or false information to the PHA [24 CFR 960.259(a)(4)].
- Commit fraud, or make false statements in connection with an application for assistance or with reexamination of income [24 CFR 966.4(l)(2)(iii)(C)].

PHA Policy

Any of the following will be considered evidence of family program abuse:

Offering bribes or illegal gratuities to the PHA Board of Commissioners, employees, contractors, or other PHA representatives

Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the PHA on the family's behalf

Use of a false name or the use of falsified, forged, or altered documents

Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)

Omitted facts that were obviously known by a family member (e.g., not reporting employment income)

Admission of program abuse by an adult family member

The PHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse

In the case of program abuse caused by a family the PHA may, at its discretion, impose any of the following remedies.

- The PHA may require the family to repay any amounts owed to the program (see 15-II.B., Family Reimbursement to PHA).
- The PHA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 13 (for residents).
- The PHA may deny admission or terminate the family's lease following the policies set forth in Chapter 3 and Chapter 13 respectively.
- The PHA may refer the family for state or federal criminal prosecution as described in section 15-II.D.

15-II.C. PHA-CAUSED ERRORS OR PROGRAM ABUSE

The responsibilities and expectations of PHA staff with respect to normal program administration are discussed throughout the ACOP. This section specifically addresses actions of a PHA staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in the PHA personnel policy.

PHA caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation.

Repayment to the PHA

The family is not required to repay an underpayment of rent if the error or program abuse is caused by PHA staff.

PHA Reimbursement to Family

PHA Policy

The PHA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error or staff program abuse.

Prohibited Activities

PHA Policy

Any of the following will be considered evidence of program abuse by PHA staff:

- Failing to comply with any public housing program requirements for personal gain
- Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident
- Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the PHA
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of PHA activities, policies, or practices
- Misappropriating or misusing public housing funds
- Destroying, concealing, removing, or inappropriately using any records related to the public housing program
- Committing any other corrupt or criminal act in connection with any federal housing program

15-II.D. CRIMINAL PROSECUTION

PHA Policy

When the PHA determines that program abuse by a family or PHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the PHA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES

PHAs who enter into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family may retain 100 percent of program funds that the PHA recovers [Notice PIH 2005-7 (HA)].

If the PHA does none of the above, all amounts that constitute an underpayment of rent must be returned to HUD.

The family must be afforded the opportunity for a hearing through the PHA's grievance process.

Chapter 16

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of PHA-furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which the PHA will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS). This part describes the PHAS indicators, how PHAs are scored under PHAS, and how those scores affect a PHA.

Part V: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the PHA will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the PHA's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VII: Notification to Applicants and Tenants regarding Protections under the Violence against Women Reauthorization Act of 2005 (VAWA). This part includes policies for notifying applicants and tenants of VAWA requirements.

PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-I.A. OVERVIEW

PHAs must establish allowances for PHA-furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)]. PHAs must also establish surcharges for excess consumption of PHA-furnished utilities [24 CFR 965.506]. The PHA must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

16-I.B UTILITY ALLOWANCES

The PHA must establish separate allowances for each utility and for each category of dwelling units the PHA determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of a PHA in establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if the PHA does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH Occ GB, p. 138].

Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and siting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit. Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ GB, p. 138].

Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to the PHA about establishing utility allowances.

Air-Conditioning

“If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible.” [24 CFR 965.505(e)].

PHA Policy

The PHA [has/has not] installed air-conditioning.

Utility Allowance Revisions [24 CFR 965.507]

The PHA must review at least annually the basis on which utility allowances have been established and must revise the allowances if necessary in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

The PHA may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

PHA Policy

Between annual reviews of utility allowances, the PHA will only revise its utility allowances due to a rate change, when required to by the regulation.

16-I.C. SURCHARGES FOR PHA-FURNISHED UTILITIES [24 CFR 965.506]

For dwelling units subject to allowances for PHA-furnished utilities where check meters have been installed, the PHA must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on the PHA's average utility rate. The basis for calculating the surcharges must be described in the PHA's schedule of allowances. Changes in the amount of surcharges based directly on changes in the PHA's average utility rate are not subject to the advance notice requirements discussed under 16-I.D.

For dwelling units served by PHA-furnished utilities where check meters have not been installed, the PHA must establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of PHA-furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of PHA-furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to the PHA of the utility consumption estimated to be attributable to reasonable usage of such equipment.

PHA Policy

The PHA [does/does not] have PHA-furnished utilities.

16-I.D. NOTICE REQUIREMENTS [965.502]

The PHA must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.
- Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges.
- Notify residents of the place where the PHA's documentation on which allowances and surcharges are based is available for inspection.
- Provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]

On request from a family that includes a disabled or elderly person, the PHA must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family [PH Occ GB, p. 172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies regarding the request and approval of reasonable accommodations.

PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS

16-II.A. OVERVIEW

Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status [24 CFR 5.504].

This part discusses how the PHA establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

16-II.B. FLAT RENTS [24 CFR 960.253(b)]

Establishing Flat Rents

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which the PHA could promptly lease the public housing unit after preparation for occupancy.

The PHA must use a reasonable method to determine flat rents. In determining flat rents, PHAs must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by the PHA
- Utilities provided by the PHA

Review of Flat Rents

The PHA must ensure that flat rents continue to mirror market rent values [24 CFR 960.253(b)].

PHA Policy

The PHA will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents continue to mirror market rent values.

Posting of Flat RentsPHA Policy

The PHA will publicly post the schedule of flat rents in a conspicuous manner in the applicable PHA or project office.

Documentation of Flat Rents [24 CFR 960.253(b)(5)]

The PHA must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by the PHA in accordance with this method.

16-II.C. PUBLIC HOUSING MAXIMUM RENTS

Establishing Public Housing Maximum Rents

PHAs are prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24 CFR 5.500]. Therefore, in order to assist mixed families, PHAs must prorate assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family.

The public housing maximum rent is based on value of the 95th percentile of the total tenant payment (TTP) for each tenant within the PHA. PHAs may calculate a maximum rent on either a PHA- or project wide basis. A separate maximum rent can be provided for each separate project or projects may be combined into logical groups, if appropriate. HUD recommends that a single project basis be avoided for a project unless at least 50 dwelling units are involved.

PHAs may use the “direct comparison” or the “unit distribution” method for establishing the public housing maximum rents for each unit size. Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above.

Review of Public Housing Maximum Rents

PHA Policy

The PHA will recalculate the public housing maximum rents on an annual basis.

Posting of Public Housing Maximum Rents

PHA Policy

The PHA will publicly post the schedule of public housing maximum rents in a conspicuous manner in the applicable PHA or project office.

Documentation of Public Housing Maximum Rents

PHA Policy

The PHA will maintain records that document how the PHA determined the 95th percentile of TTP, whether the maximum rent was determined PHA-wide, project-wide, or with groupings of projects, and the methodology used to determine maximum rents for each unit size.

PART III: FAMILY DEBTS TO THE PHA

16-III.A. OVERVIEW

This part describes the PHA's policies for recovery of monies that have been underpaid by families.

PHA Policy

When an action or inaction of a resident family results in the underpayment of rent or other amounts, the PHA holds the family liable to return any underpayments to the PHA.

The PHA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments. The term *repayment agreement* refers to a formal document signed by a tenant and provided to the PHA in which a tenant acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

When a family refuses to repay monies owed to the PHA, the PHA will utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

16-III.B. REPAYMENT POLICY

Family Debts to the PHA

PHA Policy

Any amount due to the PHA by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, the PHA will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the PHA will terminate the family's tenancy in accordance with the policies in Chapter 13. The PHA will also pursue other modes of collection.

Repayment Agreement Guidelines

Down Payment Requirement

PHA Policy

Prior to the execution of a repayment agreement, the family must pay 10 percent of the balance owed to the PHA.

Payment Thresholds

PHA Policy

Amounts between \$3,000 and the Federal or State threshold for criminal prosecution must be repaid within 36 months.

Amounts between \$2,000 and \$2,999 must be repaid within 30 months.

Amounts between \$1,000 and \$1,999 must be repaid within 24 months.

Amounts under \$1,000 must be repaid within 12 months.

Execution of the Agreement

PHA Policy

The head of household and spouse/cohead (if applicable) must sign the repayment agreement.

Due Dates

PHA Policy

All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Non-Payment

PHA Policy

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by the PHA, the PHA will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the PHA will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three delinquency notices for unexcused late payments in a 12 month period, the repayment agreement will be considered in default, and the PHA will terminate tenancy in accordance with the policies in Chapter 13.

No Offer of Repayment Agreement

PHA Policy

The PHA will not enter into a repayment agreement if there is already a repayment agreement in place with the family, or the amounts owed by the family exceed the Federal or State threshold for criminal prosecution.

PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)

16-IV.A. OVERVIEW

The purpose of the Public Housing Assessment System (PHAS) is to improve the delivery of services in public housing and enhance trust in the public housing system among PHAs, public housing residents, HUD and the general public by providing a management tool for effectively and fairly measuring the performance of a public housing agency in essential housing operations.

16-IV.B. PHAS INDICATORS [24 CFR 902 Subparts A, B, C, D, and E]

The table below lists each of the PHAS indicators, the points possible under each indicator, and a brief description of each indicator. A PHA's performance is based on a combination of all four indicators.

<p>Indicator 1: Physical condition of the PHA's properties Maximum Score: 30</p> <ul style="list-style-type: none">• The objective of this indicator is to determine the level to which a PHA is maintaining its public housing in accordance with the standard of decent, safe, sanitary, and in good repair.• To determine the physical condition of a PHA's properties, inspections are performed of the following five major areas of public housing: site, building exterior, building systems, dwelling units, and common areas. The inspections are performed by an independent inspector arranged by HUD, and include a statistically valid sample of the units in the PHA's public housing portfolio.
<p>Indicator 2: Financial condition of a PHA Maximum Score: 30</p> <ul style="list-style-type: none">• The objective of this indicator is to measure the financial condition of a PHA for the purpose of evaluating whether it has sufficient financial resources and is capable of managing those financial resources effectively to support the provision of housing that is decent, safe, sanitary, and in good repair.• A PHA's financial condition is determined by measuring the PHA's entity-wide performance in each of the following components: current ratio, number of months expendable fund balance, tenant receivable outstanding, occupancy loss, expense management/utility consumption, and net income or loss divided by the expendable fund balance.

Indicator 3: Management operations of a PHA**Maximum Score: 30**

- The objective of this indicator is to measure certain key management operations and responsibilities of a PHA for the purpose of assessing the PHA's management operations capabilities.
- A PHA's management operations are assessed based on the following sub-indicators: vacant unit turnaround time, capital fund, work orders, PHA annual inspection of units and systems, security, and economic self-sufficiency.

Indicator 4: Resident service and satisfaction**Maximum Score: 10**

- The objective of this indicator is to measure the level of resident satisfaction with living conditions at the PHA.
- The PHA's score for this indicator is based on the results of resident surveys and the level of implementation and follow-up or corrective actions the PHA takes based on the results of the survey.

16-IV.C. PHAS SCORING [24 CFR 902.63 and 902.67]

HUD's Real Estate Assessment Center (REAC) issues overall PHAS scores, which are based on the scores of the four PHAS indicators, and the components under each indicator. PHAS scores translate into a designation for each PHA as high performing, standard, or troubled.

A high performer is a PHA that achieves a score of at least 60 percent of the points available under each of the four indicators, and achieves an overall PHAS score of 90 or greater.

A standard performer is a PHA that has an overall PHAS score between 60 and 89, and does not achieve less than 60 percent of the total points available under one of the following Indicators: 1, 2, or 3.

A troubled performer is a PHA that achieves an overall PHAS score of less than 60, or achieves less than 60 percent of the total points available under more than one of the following indicators: 1, 2, or 3.

These designations can affect a PHA in several ways:

- High performing PHAs are eligible for incentives including relief from specific HUD requirements and bonus points in funding competitions [24 CFR 902.71].
- PHAs that are standard performers may be required to submit an improvement plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)].
- PHAs with an overall rating of "troubled" are subject to additional HUD oversight, and are required to enter into a memorandum of agreement (MOA) with HUD to improve PHA performance [24 CFR 902.75].
- PHAs that fail to execute or meet MOA requirements may be referred to the Departmental Enforcement Center [24 CFR 902.77].

PHAs must post a notice of its final PHAS score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and status.

PART V: RECORD KEEPING

16-V.A. OVERVIEW

The PHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, the PHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

16-V.B. RECORD RETENTION

PHA Policy

During the term of each public housing tenancy, and for at least four years thereafter, the PHA will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, the PHA will keep the following records for at least four years:

An application from each ineligible family and notice that the applicant is not eligible

Lead-based paint records as required by 24 CFR 35, Subpart B

Documentation supporting the establishment of flat rents and the public housing maximum rent

Documentation supporting the establishment of utility allowances and surcharges

Documentation supporting PHAS scores

Accounts and other records supporting PHA budget and financial statements for the program

Other records as determined by the PHA or as required by HUD

If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

16-V.C. RECORDS MANAGEMENT

PHAs must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

PHA Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized PHA staff.

PHA staff will not discuss personal family information unless there is a business reason to do so.

Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the PHA may release the information collected.

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) System are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

PHA Policy

Prior to utilizing HUD's EIV system, the PHA will adopt and implement EIV security procedures required by HUD.

Criminal Records

The PHA may only disclose the criminal conviction records which the PHA receives from a law enforcement agency to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The PHA must establish and implement a system of records management that ensures that any sex offender registration information received by the PHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation. This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records

PHAs are not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the tenant file. The PHA should destroy the document.

**PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL
INTERVENTION BLOOD LEAD LEVEL**

16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]

The PHA has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.

The PHA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. The PHA must also report each known case of a child with an environmental intervention blood lead level to the HUD field office.

PHA Policy

The PHA will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.

The PHA will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office within 5 business days of receiving the information.

**PART VII: NOTIFICATION TO APPLICANTS AND TENANTS
REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN REAUTHORIZATION
ACT OF 2005 (VAWA)**

16-VII.A. NOTIFICATION TO APPLICANTS

PHA Policy

The PHA will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The PHA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.F).

16-VII.B. NOTIFICATION TO TENANTS [Pub.L. 109-162]

VAWA requires PHAs to notify tenants assisted under public housing of their rights under this law, including their right to confidentiality and the limits thereof.

PHA Policy

The PHA will provide all tenants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination.

The notice will explain the protections afforded under the law, inform the tenant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The PHA will also include in all lease termination notices a statement explaining the protection against termination or eviction provided by VAWA (see Section 13-IV.D).

