

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

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# PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004  
Annual Plan for Fiscal Year 2000

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN ACCORDANCE WITH  
INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

**PHA Plan  
Agency Identification**

**PHA Name: Albany Housing Authority**

**PHA Number: NY 009**

**PHA Fiscal Year Beginning: 07/01/2000**

**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
- PHA development management offices
- PHA local offices (**159 Church Street, Mod.Office**)

**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
- 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
- PHA development management offices
- Other (list below)

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2000 - 2004**

[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: (state mission here)  
**The mission of the Albany Housing Authority is to lead the community with professionalism, integrity and spirit in providing quality housing of choice for a diverse population and to partner with the community to maximize social and economic opportunity.**

**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: **as funding notices are published.**
  - Reduce public housing vacancies:
  - Leverage private or other public funds to create additional housing opportunities:
    1. **Develop at least one low income housing tax credit program – assisted project by 6/30/04.**
    2. **AHA will implement its asset management plan no later than 12/31/02.**
    3. **AHA may choose to negotiate with a not-for-profit affiliate of the City of Albany known as Capital City Housing to purchase 15**

**additional units in Albany's south end neighborhood including a failed condominium.**

Acquire or build units or developments

Other (list below)

1. **Apply for additional HOPE VI for the South End to include NY 9-4 Lincoln Square by 6/30/00**
2. **Explore feasibility of additional revitalization activities at NY 9-3 and NY 9-1 by 6/30/04**
3. **Evaluate ways to make NY 9-13 Ezra Prentice Homes more marketable to working families, including the possibility for HOPE VI funding, demolition/conversion and replacement housing options in the So. End Neighborhood of Albany by 06/30/04.**

PHA Goal: Improve the quality of assisted housing

Objectives:

Improve public housing management: (PHAS score) **6/30/99 = 92.1%**

1. **Achieve a level of customer satisfaction that gives AHA the highest score possible in the RASS (Resident Assessment & Satisfaction Survey).**
2. **Decrease average turnaround time on routine work orders from 5 days to 4 days by 6/30/01, and from 4 days to 3 days by 6/30/03.**
3. **AHA will implement a plan for unit turnaround reduction so we can fill our public housing units within 30 days of becoming vacant by 12/1/01**
4. **AHA will strive to achieve an occupancy rate of 97% for public housing by 6/30/04.**

Improve voucher management: (SEMAP score) (**\*initial year of report**)

1. **AHA will achieve a program utilization rate of 98% for Section 8 assistance by 6/30/01.**
2. **Expand screening techniques to the Section 8 assisted housing program (within the confines of the law) by 6/30/01.**
3. **Institute a fraud detection program by 6/30/01.**
4. **Provide technical improvements assistance to landlords to increase lease standards and enforcement by 6/30/02. (e.g. marketing, workshops, written information, legal assistance, etc.**

Increase customer satisfaction:

**Upgrade appliances in targeted family units and upgrade electric service to accommodate full-size washers and dryers in targeted units as follows:**

1. **Kitchen renovations at NY 9-13 Ezra Prentice Homes by end of 2003 (part of Capital Fund application)**
2. **Washer and dryer hook-ups and an upgrade in electrical service at NY 9-5 Ida J. Yarbrough family units and at NY 9-13 Ezra Prentice Homes by 6/30/03.**
3. **Hire a public relations firm by 7/1/00 to market our housing stock, including hard-to-rent units, units having odd designs and family units having small living spaces.**

Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)

1. **AHA will promote a motivating work environment with a capable and efficient team of employees to operate as a customer friendly and fiscally prudent leader in the affordable housing industry.**

Renovate or modernize public housing units:

Demolish or dispose of obsolete public housing:

**Complete demolition of 4 Lincoln and 159 Church St. by 6/30/03**

Provide replacement public housing:

**1. Complete new units to replace 42 units at 4 Lincoln Square by 6/30/04**

**2. Complete 300+ units at NY 9-2 Corning Home site under HOPE VI by 6/30/04**

Provide replacement vouchers:

Other: (list below)

1. **Convert 30-60 efficiency units to 10-40 one-bedroom units at NY 9-7 Westview Homes by 6/30/04 to increase the occupancy and marketability of the site.**
2. **Convert from electric heat to a more efficient source (e.g. gas) at NY 9-11 Steamboat Square by 6/30/04.**

PHA Goal: Increase assisted housing choices

Objectives:

Provide voucher mobility counseling:

Conduct outreach efforts to potential voucher landlords

Increase voucher payment standards

Implement voucher homeownership program:

Implement public housing or other homeownership programs:

Implement public housing site-based waiting lists:

Convert public housing to vouchers:

Other: (list below)

1. AHA will be a catalyst for homeownership and partnership with others to ensure that each neighborhood surrounding its developments is anchored by 10% homeownership by 6/30/04.
2. Implement a "Pilot" site-based waiting list at the NY 9-2 replacement site to include both public housing and market-rent units. The units will be offered as incentives to upwardly mobile and current public housing residents as well as to those applying directly to the site.
3. Explore the possibility of expanding public housing and Section 8 programs outside of the City of Albany and into other areas of Albany County by 6/30/04.
4. Counseling to reduce the concentration of its voucher holders by having a 5% increase in the number of participants living in other than low-income areas by 6/30/02.
5. AHA will attract 20 new landlords to participate in the voucher program by 6/30/02.
6. Implement a homeownership program by 6/30/04 to enable voucher participants to become homeowners.
7. Increase housing choices by applying for HOPE VI revitalization funds for Lincoln and/or Steamboat neighborhood to replace high rise units by creating clusters of in-fill housing (new and rehabbed), if a HOPE VI application is submitted and approved.

**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:
      - 1.Reduce Part I crimes by 5% by 6/30/04.
      - 2.Authority-wide training and awareness of the Crime Prevention through Environmental Design (CPTED) theory by 6/30/01.
      - 3.Improve the public's perception of public housing (e.g. safety, quality of housing, etc.) through a Public Information Office by 6/30/02.
      - 4.Continue PHDEP-funded security components (special patrols, neighborhood watch, staff, etc.)
      - 5.De-densifying public housing sites through approved HOPE VI annual applications when determined feasible and fungible.

- Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- Other: (list below)
  - 1. Collaborate with TLC & AHRDC to develop strategies for youth that result in partnerships and contracts with experienced Youth Service programs and agencies to promote self-esteem, self-awareness, community involvement, education, social skills, and mental, physical & nutritional health, including but not limited to Boys & Girls Clubs, YMCA, City Dept. of Youth & Recreation Services, Girls Club, Center for Law & Justice, Inc., Scouting, independent educational/scholastic programs, Music Mobile, Capital District Fields of Dreams, Trinity Institute-Camp Thacher, Cornell Cooperative Extension, Literacy Volunteer, Albany City School District, etc.**

**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.

**Continue the Elderly Service Coordinator Program through annual HUD applications for new/continued funding.**

- Other: (list below)
  - 1. Inventory & identify resident skills in AHA's assisted housing population to develop and deliver a training curriculum that will augment employability by 6/30/01; create an automated work experience database to facilitate matching residents with employment needs of the community by the same time.**
  - 2. Implement programs to maximize utilization of community centers and develop programming that enhances resident opportunities and employability by 6/30/02.**
  - 3. AHA will increase the average income of its residents and the average rent by 10% by 6/30/04.**
  - 4. Assure dissemination of information on a monthly basis to all residents about programs and services that promote self-sufficiency**

and crime prevention through the monthly newsletter, monthly tenant meetings, etc.

5. **Continue to help develop effective and fully functioning resident organizations in every public housing development and for the tenant-based programs on an ongoing basis.**

**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. **Performing a targeted assessment of the community to determine the need for accessible units, including but not limited to assessing the need for special accommodations, services, etc. by 6/30/01.**
    2. **Increase housing choices by building and/or rehabilitating infill clusters of family units in and around the south end of Albany via an approved HOPE VI Steamboat and/or Lincoln grant by 6/30/04.**

**Other PHA Goals and Objectives: (list below)**

**GOAL: IMPROVE AHA's PUBLIC IMAGE**

**Objectives:**

1. **Remove/ modify yard fencing at affected sites.**
2. **AHA will take over entire grounds and exterior areas at all sites by 6/30/01.**
3. **Develop a media policy by 6/30/00**
4. **Create an AHA web page for Internet by 6/30/00**
5. **Prioritize the Comprehensive Grant Program (Capital Fund for Modernization) to site work by 6/30/00.**

**GOAL: TO RESTRUCTURE AHA IN A MANNER THAT BEST SUPPORTS THE PRINCIPLES OF ASSET MANAGEMENT**



**Objectives:**

6. Decentralize the management of the sites and have them more project-based by 6/30/03.
7. Decentralize maintenance, with the exception of specialty crews and explore possibility of having project-based Vacant Apt. Preparation crews by 6/30/02.
8. Decentralize applicable central office functions to the individual sites (e.g. intake, eligibility, waiting lists, support services, etc. by 6/30/04.

**GOAL: IMPROVE OVERALL MANAGEMENT & FISCAL ACCOUNTABILITY**

**Objectives:**

9. Build a new office building by 12/31/01
10. Produce a method for measurable, annual improvement in hiring, training practices by implementing career ladder avenues, leadership training, upward mobility access while promoting diversity in the workplace by 6/30/01.
11. AHA will operate so that income exceeds expenses every year.
12. AHA will raise \$1 million from 3 non-HUD sources by 6/30/02 (non-HUD sources include but are not limited to: LIHTC, developer's fees, roof top leases, etc.)
13. AHA will submit applications for annual Federal and State programs to earn development fees and for tax exempt bond transactions
14. Continue to annually apply for PHDEP, HOPE VI, ROSS, CGP, CDBG, etc.
15. Energy conservation measures by 6/30/04 (conversions from electric to gas in all applicable sites).

**GOAL: PROTECT AND ENHANCE THE MARKETABILITY AND CURB APPEAL OF BUILDINGS, GROUNDS AND SYSTEMS AND DELIVER EFFICIENT AND PROFESSIONAL SERVICES TO RESIDENTS**

**Objectives:**

16. Explore the possibility of automating inspections (PH and S8), inventory and worker productivity through the use of a barcode system and hand-held computers by 6/30/03
17. Assign a second dedicated maintenance worker to the Risk Management Department to complete inspection work orders by 6/30/01.
18. Implement the career ladder/maintenance-training program with established certification levels and promotional incentives by 6/30/01.

**GOAL: CREATIVELY AND AGRESSIVELY EMBRACE DECENTRALIZA-TION AND ASSET MANAGEMENT**

**Objectives:**

- 1. Executive Director will work individually with all department heads to develop a draft “asset management” implementation plan by 9/2000 that will address decentralization and asset management.**
  - **The draft plan will be presented by the Executive Director at a department head meeting on or before 11/15/00 for review and comment by staff.**
  - **Staff to comment and return to committee by 1/15/01**
  - **Presentation to and adoption by Board by 4/30/01**
  - **Implementation of the plan by 7/1/01**

**Annual PHA Plan**  
**PHA Fiscal Year 2000**

[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

**Standard Plan**

**Streamlined Plan:**

- High Performing PHA**
- Small Agency (<250 Public Housing Units)**
- Administering Section 8 Only**

**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.

Not applicable but included - See Page 2 of the Annual Plan

**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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**Executive Summary (ii) (not a required item, but supplied by AHA)**

**EXECUTIVE SUMMARY OF THE ANNUAL PHA PLAN**

Albany Housing Authority has developed its initial Agency Plan and 5-Year Plan in compliance with the 1998 Quality Housing and Work Responsibility Act. The Plan covers the Authority’s strategies for administration, admissions, occupancy, financial accountability, capital improvements, crime and safety, and asset management over the course of the next five years.

AHA derived its strategies based on a needs assessment of both its assets (properties) and the housing needs of the renter population in the jurisdiction. AHA has determined that the Authority must implement an asset management plan to enhance the marketability of our developments. We must encourage families to reach higher income categories without increasing rents in order to promote the incentives of self-sufficiency to other residents. AHA will strive to deconcentrate its family developments and promote income mixing by utilizing waiting list skipping as allowed under the QHWRA.

In developing the Agency Plan, Albany Housing Authority has developed revised Admissions and Continued Occupancy Plan for public housing, revised its Admissions Policy for its Section 8 programs and recipients. AHA has updated its public housing lease in accordance with the provisions of the new law. The ACOP and the lease were given the appropriate resident comment period.

A major component of the Authority’s five-year strategies involve revitalization of the South End in cooperation and partnership with the City of Albany. The South End Task Force comprised of government, community, public, private, business and resident involvement takes into account the steps necessary for AHA to be the lead player in the development of the City’s southern gateway. This will be accomplished with a successful HOPE VI application, the construction of new homes and offices, purchasing buildings to increase affordable housing choices, increasing the average income earned by public and assisted housing residents, and creating business and economic development opportunities for the entire community.

AHA’s other HOPE VI initiative in North Albany will continue to develop programs, affordable housing opportunities and self-sufficiency services for the North Albany residents and neighborhoods. Partnerships and community-based linkages continue to be developed to ensure that residents and community needs will be served in the neighborhood to the greatest extent possible.

Albany Housing Authority will aspire to its mission statement by being “committed to achieving excellence in providing safe, clean, and modern housing assistance while promoting self-sufficiency to the residents of the Albany Housing Authority. Our goal is to be a leader in the City of Albany housing industry by building a reputation for excellent community service and customer satisfaction.”

**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.

Required Attachments:

- Admissions Policy for Deconcentration
- FY 2000 Capital Fund Program Annual Statement
- Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled **ONLY**) **AHA is a high performer under HUD assessment standards.**

Optional Attachments:

- PHA Management Organizational Chart
- FY 2000 Capital Fund Program 5-Year Action Plan
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- Other (List below, providing each attachment name)

**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.

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
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
N/A	Fair Housing Documentation: 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.	5 Year and Annual Plans
N/A	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	Annual Plan: Housing Needs

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	support statement of housing needs in the jurisdiction	
N/A	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
X	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 Administrative Plan	Annual Plan: Grievance Procedures
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	Annual Plan: Capital Needs

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	any active CIAP grant	
N/A	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
X	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
X	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
N/A	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
N/A	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
N/A	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
N/A	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
N/A	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
N/A	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
N/A	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
X	PHDEP PLAN	

## **1. Statement of Housing Needs**

[24 CFR Part 903.79 (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.

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
Family Type	Overall	Afford- ability	Supply	Quality	Access- ibility	Size	Loca- tion
Income <= 30% of AMI	6,370	5	N/A	N/A	N/A	N/A	N/A
Income >30% but <=50% of AMI	4,113	5	N/A	N/A	N/A	N/A	N/A
Income >50% but <80% of AMI	5,863	3	N/A	N/A	N/A	N/A	N/A
Elderly	4,269	1	N/A	N/A	N/A	N/A	N/A
Families with Disabilities	1,860	N/A	N/A	N/A	N/A	N/A	N/A
African-American	7,769	N/A	N/A	N/A	N/A	N/A	N/A
Hispanic-Latino	1,002	N/A	N/A	N/A	N/A	N/A	N/A
Asian-Pacific Islander	678	N/A	N/A	N/A	N/A	N/A	N/A
American Indian - Eskimo	117	N/A	N/A	N/A	N/A	N/A	N/A
Caucasian	33,206	N/A	N/A	N/A	N/A	N/A	N/A
Other	351	N/A	N/A	N/A	N/A	N/A	N/A

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: **1990 CHAS DATA BOOK- City of Albany, NY**
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset: **1990 – TABLE 1C - ALL HOUSEHOLDS**
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year:



Other sources: (list and indicate year of information) **City of Albany DRAFT Consolidated Plan 2000-2005**

## **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.

<b>Housing Needs of Families on the Waiting List</b>			
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/sub jurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	1665		
Extremely low income <=30% AMI	1665	100%	
Very low income (>30% but <=50% AMI)	0	0	
Low income (>50% but <80% AMI)	0	0	
Families with children	750	45%	
Elderly families	119	7.1%	
Families with Disabilities	470	28.23%	
African-American	1106	66%	
Hispanic-Latino	192	12%	
Asian-Pacific Islander	6	.4%	
American Indian- Eskimo	9	.5%	
Caucasian	352	21.1 %	

<b>Housing Needs of Families on the Waiting List</b>			
Other	0	0	
Characteristics by Bedroom Size (Public Housing Only)			
1BR *combines 0 & 1br.	264	32%	
2 BR	287	35%	
3 BR	204	25%	
4 BR	53	6%	
5 BR	12	1.5%	
5+ BR	0	0	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes: How long has it been closed (# of months)? Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

### 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)

**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)

**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. **Employ marketing avenues to increase desirability of senior apartments**

**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. **Assess community need for accessibility numbers, unit sizes and types needed.**

**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)
- Promote housing choices in non-impacted City neighborhoods to the greatest extent feasible.**

**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.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2000 grants)</b>		
a) Public Housing Operating Fund	\$4,930,705	
b) Public Housing Capital Fund	\$2,623,037	
c) HOPE VI Revitalization	\$28,852,200	

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
d) HOPE VI Demolition	\$710,000	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$6,221,372	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	\$386,000	
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant	\$64,000 (est.)	
i) HOME		
Other Federal Grants (list below)		
Elderly Service Coordinator	\$66,083 (est.)	
FSS Coordinator	\$42,000 (est.)	
<b>2. Prior Year Federal Grants (Unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>	\$4,240,750	
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
NY State Housing Admin. Fund	\$1,684,093	
Non-HOPE VI Funds	\$28,523,930	
<b>Total resources</b>	\$78,344,170	

### **3. PHA Policies Governing Eligibility, Selection, and Admissions**

[24 CFR Part 903.7 9 (c)]

## A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

### (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) **Within 90 days of unit availability**
- 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)  
**Credit history and character references**

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
- Other (describe)

**1. For Hope VI sites, a site-based waiting list may be used.**

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

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

**1. By mail and soon an application will be available on the Internet that can be printed, filled out and mailed.**

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? **0**

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)

a. 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 previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

**At the discretion of the E.D., those persons in a witness protection program & “Operation Safe Home” for victims of domestic violence; and residents of City of Albany over non-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)

**1** 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

**2** 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

**1** Other preference(s) (list below)

**At the discretion of the E.D., those persons in a witness protection program & "Operation Safe Home" for victims of domestic violence.**

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)  
**Tenant Orientation Briefing Packet**

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:  
**All family developments**

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:  
**All family sites**

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. **Previous rental history, particularly assisted or public housing experience**
- 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)

## **(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)

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)  
**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:

**Most circumstances since Albany's rental housing market is limited. Usually give extensions to those in need of 3+ bedroom units.**

## **(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)

**At the discretion of the E.D., those persons in a witness protection program & "Operation Safe Home" for victims of domestic violence; and residents of City of Albany.**

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)

- 1 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
- 2 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)  
**News article**

## **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 highest 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:

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:

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)

**Additional income from an AHA resident-owned or operated business where it is not the sole income source for the household is not included (specifically the Tenant Leadership Council or the Albany Housing Resident Development Corporation businesses)**

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)
- 95<sup>th</sup> 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)

**Families must report all changes in composition and income; it may or may not result in a rent adjustment.**

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. Independent consultant assessment and staff knowledge of citywide neighborhoods**

**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)

**(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)

**5. Operations and Management    CN/A**

[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.)

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing		
Section 8 Vouchers		
Section 8 Certificates		
Section 8 Mod Rehab		
Special Purpose Section 8 Certificates/Vouchers (list individually)		
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)

(2) Section 8 Management: (list below)

### **6. PHA Grievance Procedures      CN/A**

[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:

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)

#### **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:

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)

# PHA Plan Table Library

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

### Annual Statement

### Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number **1** FFY of Grant Approval: (10/01/01)

Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	\$1,000
3	1408 Management Improvements	308,350
4	1410 Administration	262,304
5	1411 Audit	0
6	1415 Liquidated Damages	0
7	1430 Fees and Costs	151,954
8	1440 Site Acquisition	0
9	1450 Site Improvement	0
10	1460 Dwelling Structures	905,600
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	268,470
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	0
18	1498 Mod Used for Development	725,359
19	1502 Contingency	
20	<b>Amount of Annual Grant (Sum of lines 2-19)</b>	<b>\$2,623,037</b>
21	Amount of line 20 Related to LBP Activities	0
22	Amount of line 20 Related to Section 504 Compliance	0

23	Amount of line 20 Related to Security	0
24	Amount of line 20 Related to Energy Conservation Measures	0

**Annual Statement**

**Capital Fund Program (CFP) Part II: Supporting Table**

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
NY 9-1 Robert Whalen Homes	No work items A & E Fees	1430	\$0 \$0
NY 9-2 Edwin Corning Homes	No work items A & E Fees	1430	\$0 \$0
NY 9-3 Steamboat Square	Replace Large Slider Windows at 20 Rensselaer Street (40 openings) Administrative Office Building Construction A & E Fees	1460 1470 1430	\$31,000 \$169,000 \$16,000
NY 9-4 Lincoln Park Homes	Upgrade Elevator controls to Solid State A.C. Convert 3 Lincoln DSS space to Daycare A & E Fees	1460 1470 1430	\$195,000 99,470 \$15,600
NY 9-5 Ida Yarbrough Low rise	No work items A & E Fees	1430	\$0 \$0
NY 9-5 Ida Yarbrough High rise	No Work Items A & E Fees	1430	\$0 \$0
NY 9-7	Combine 20 studio apts. Into 13 one bedroom		



Westview Homes	apartments	1460	\$400,000
	A & E Fees	1430	\$32,000
NY 9-11 Steamboat Square Townhouses	Repair/replace Siding and Trim at Windows	1460	\$120,000
	Replace Shingles and Fascia Diverters on 5 Buildings		
	Replace Patio Doors	1460	\$120,00
	A & E Fees	1460	\$39,600
		1430	\$22,368
NY 9-12 Steamboat Square Historic Rehabs	No Work Items		\$0
	A & E Fees	1430	\$0
NY 9-13 Ezra Prentice Homes	No Work Items		\$0
	A & E Fees	1430	\$0
NY 9-22 Scattered Sites (Replacement)	Acquisition and Rehab of 42 Units (6.58 units)	1498	\$725,359
	A & E Fees	1430	\$74,875
MANAGEMENT IMPROVEMENTS	Maintenance Response Initiative	1408	\$36,000
	Computer software upgrade	1408	\$8,000
	LBP training	1408	\$1,000
	Maintenance Mgt. Improvements	1408	\$10,000
	Satellite Training Initiative & Marketing Coordinator	1480	\$45,000
	Operations Mgt. Improvements	1408	\$7,000
	Personnel Technician	1408	\$31,850
	Technical Assistance with HUD QHWRA	1408	\$15,000
	Implementation Assistance with Asset Mgt.	1408	\$20,000
	Project Based Budgeting Implementation Assistance	1408	\$15,000
	Partnership Process	1408	\$7,000
	PHA-wide Police Patrol	1408	\$4,500
	Economic Development & Wage Center Coordinator	1408	\$55,000
	Tenant Newsletter	1408	\$5,000
	Tenant Security Patrol	1408	\$500
	Utility Conservation Program	1408	\$1,000
	Tenant Relations Training	1408	\$8,000
	9-5 Community Center Staff	1408	\$36,000
	9-5 Community Center Coordinator	1408	\$1,000
	PHAS Consultant	1408	\$500
	PHAS Deficiencies	1408	\$0

	KID Improvement District	1408	\$1,000
	<b>Sub-total</b>		<b>\$308,350</b>
Administration	Staff Costs	1410	\$262,304
Fees & Costs	Individual Developments	1430	\$160,843

**Annual Statement**  
**Capital Fund Program (CFP) Part III: Implementation Schedule**

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
NY 9-1 Robert Whalen Homes	N/A	
NY 9-2 Edwin Corning Homes	N/A	
NY 9-3 Steamboat Square	09/30/2002	09/30/2003
NY 9-4 Lincoln Park Homes	09/30/2002	09/30/2003
NY 9-5 Ida Yarbrough High Rise	N/A	
NY 9-5 Ida Yarbrough Low Rise	N/A	
NY 9-7 Westview Homes	09/30/2002	09/30/2003
NY 9-11 Steamboat Square Townhouses	09/30/2002	09/30/2003
NY 9-12 Steamboat Square	N/A	

Historic Rehabs		
NY 9-13 Ezra Prentice Homes	N/A	
NY 9-22 Scattered Sites (Replacement)	09/30/2002	09/30/2003
Maintenance Response Initiative	09/30/2002	09/30/2003
Computer software upgrade	09/30/2002	09/30/2003
LBP training	09/30/2002	09/30/2003
Maintenance Mgt. Improvements	09/30/2002	09/30/2003
Satellite Training Initiative & Marketing Coordinator	09/30/2002	09/30/2003
Operations Mgt. Improvements	09/30/2002	09/30/2003
Personnel Technician	09/30/2002	09/30/2003
Technical Assistance with HUD QHWRA	09/30/2002	09/30/2003
Implementation Assistance with Asset Mgt.	09/30/2002	09/30/2003
Project Based Budgeting	09/30/2002	09/30/2003
Implementation Assistance	09/30/2002	09/30/2003
Partnership Process	09/30/2002	09/30/2003
PHA-wide Police Patrol	09/30/2002	09/30/2003
Economic Development & Wage Center Coordinator	09/30/2002	09/30/2003
Tenant Newsletter	09/30/2002	09/30/2003
Tenant Security Patrol	09/30/2002	09/30/2003
Utility Conservation Program	09/30/2002	09/30/2003
Tenant Relations Training	09/30/2002	09/30/2003
9-5 Community Center Staff		
9-5 Community Center Coordinator	09/30/2002	09/30/2003
PHAS Consultant	09/30/2002	09/30/2003
PHAS Deficiencies	09/20/2002	09/30/2003
KID Improvement District		

**(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)

**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: **Edwin Corning Homes**
2. Development (project) number: **NY06P009002**
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:

**NY06P009004 Lincoln Square**

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:

**NY06P009002 Edwin Corning Homes, in conjunction HOPE VI activities**

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:

**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.)

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	<b>Lincoln Park Square</b>
1b. Development (project) number:	<b>NY06P009004</b>
2. Activity type:	Demolition <input checked="" type="checkbox"/> Disposition <input 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 <b>approved</b> , submitted, or planned for submission:	<u>(11/24/98)</u>
5. Number of units affected:	<b>42</b>
6. Coverage of action (select one)	

<input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 09/01/01 b. Projected end date of activity: 12/31/01

<b>Demolition/Disposition Activity Description</b>
1a. Development name: <b>Steamboat Square</b>
1b. Development (project) number: <b>NY06P009003</b>
2. Activity type: Demolition <input checked="" type="checkbox"/> Disposition <input 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 <b>approved</b> , submitted, or planned for submission: <u>(11/24/98)</u>
5. Number of units affected: <b>n/a *no units</b>
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 09/01/01 b. Projected end date of activity: 12/31/01

<b>Demolition/Disposition Activity Description</b>
1a. Development name: <b>Edwin Corning Homes</b>
1b. Development (project) number: <b>NY06P009002</b>
2. Activity type: Demolition <input checked="" type="checkbox"/> Disposition <input 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 <b>approved</b> , submitted, or planned for submission: <u>(10/26/99)</u>
5. Number of units affected: 292
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: 04/01/2000 b. Projected end date of activity: 07/01/2000

**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.

<b>Designation of Public Housing Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Designation type:	<input type="checkbox"/> 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
3. Application status (select one)	<input type="checkbox"/> Approved; included in the PHA’s Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date this designation approved, submitted, or planned for submission:	(DD/MM/YY)
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)

- Part of the development  
 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.

<b>Conversion of Public Housing Activity Description</b>	
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)	<input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> 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.)

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>	
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:

## **12. PHA Community Service and Self-sufficiency Programs CN/A**

[24 CFR Part 903.79 (l)]

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? DD/MM/YY

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. )

<b>Services and Programs</b>				
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)

**(2) Family Self Sufficiency program/s**

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8		

- 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)

<p><b>D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937</b></p>
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### 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)

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)

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

**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)

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

**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)

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

**D. Additional information as required by PHDEP/PHDEP Plan**

PHAs eligible for FY 2000 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 2000 in this PHA Plan?
- Yes  No: This PHDEP Plan is an Attachment. (Attachment Filename: **NY009a01**)

**14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]

CN/A

**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**

CN/A

[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)
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 (File name) NY009a05 – Agency Plan Public Hearing (\*Includes resident comments and responses)



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:

**In "HUD Strategic Goal: Improve community quality of life and economic vitality With the specific PHA Goal to "Provide an improved living environment," AHA added the TLC and AHRDC (Tenant Leadership Council and Albany Housing Resident Development Company) to the statement regarding collaborating on strategies to partner and/or contract with experienced youth programs. Also modified language in several other sections to meet with resident comments and concerns. (see attachment NY009a05)**

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) **Candidates are nominated by residents of public housing only.**

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) **Any legal adult resident of Public Housing only.**

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) **Any legal adult resident of Public Housing only.**

### 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: (provide name here) **City of Albany, New York**

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)
- Other: (list below)

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

**All ongoing and future resident program, services & self-sufficiency endeavors, all ongoing and future asset management activities, all ongoing and future affordable housing development activities including but not limited to HOPE VI, mixed-income, and new public housing and Section 8 programs as needed, all fair housing activities, all other grant and special applications as may be necessary to further the mission of the Albany Housing Authority.**

### D. Other Information Required by HUD

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

**Albany Housing Authority's definition of "substantial deviations or significant amendments: to the PHA Plans (also included as a required attachment at NY009a003 Definition of Substantial Modification)**

**"Substantial deviations or significant amendments or modifications are defined as discretionary changes in the plans or policies of the housing authority that fundamentally change the mission, goals, objectives, or plans of the agency and which require formal approval of the Board of Commissioners."**

## **Attachments**

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

Attachment NY009a01 – PHDEP Plan (attached to Agency Plan document)

Attachment NY009a02 – Admissions & Continued Occupancy Policy (\*Includes Deconcentration Plan for Public Housing)

Attachment NY009a03 – Definition of Substantial Modification

Attachment NY009a04 – Administrative Plan (\*Includes Deconcentration Plan for Section 8 Program)

NY009a05 – Agency Plan Public Hearing (\*Includes resident comments and responses)



# Public Housing Drug Elimination Program Plan

**Note: THIS PHDEP Plan template (HUD 50075-PHDEP Plan) is to be completed in accordance with Instructions located in applicable PIH Notices.**

**Annual PHDEP Plan Table of Contents:**

1. General Information/History
2. PHDEP Plan Goals/Budget
3. Milestones
4. Certifications

**Section 1: General Information/History**

- A. Amount of PHDEP Grant \$** 378,576
- B. Eligibility type (Indicate with an "x")** N1 \_\_\_\_\_ N2 \_\_\_\_\_ R X \_\_\_\_\_
- C. FFY in which funding is requested** 2001
- D. Executive Summary of Annual PHDEP Plan**

In the space below, provide a brief overview of the PHDEP Plan, including highlights of major initiatives or activities undertaken. It may include a description of the expected outcomes. The summary must not be more than five (5) sentences long

AHA will continue and expand its long-running PHDEP plan including special police patrols, Tenant Neighborhood Watch, educational and recreational programs for youth as alternatives to drugs and crime, social worker services, and necessary staffing. AHA anticipates a continued 1% or more decrease in reported crime in its developments as a direct result of all combined components. Monitoring and evaluation will be executed by a contracted community-based organization.

**E. Target Areas**

Complete the following table by indicating each PHDEP Target Area (development or site where activities will be conducted), the total number of units in each PHDEP Target Area, and the total number of individuals expected to participate in PHDEP sponsored activities in each Target Area.

PHDEP Target Areas (Name of development(s) or site)	Total # of Units within the PHDEP Target Area(s)	Total Population to be Served within the PHDEP Target Area(s)
All AHA Federal Sites (NY 9-1, 9-3, 9-4, 9-5, 9-7, 9-11, 9-12, 9-13, 9-21)	1638	3475

**F. Duration of Program**

Indicate the duration (number of months funds will be required) of the PHDEP Program proposed under this Plan (place an "x" to indicate the length of program by # of months. For "Other", identify the # of months).

6 Months \_\_\_\_\_ 12 Months X \_\_\_\_\_ 18 Months \_\_\_\_\_ 24 Months \_\_\_\_\_ Other \_\_\_\_\_

**G. PHDEP Program History**

Indicate each FY that funding has been received under the PHDEP Program (place an "x" by each applicable Year) and provide amount of funding received. If previously funded programs have not been closed out at the time of this submission, indicate the fund balance and anticipated completion date. For grant extensions received, place "GE" in column or "W" for waivers.

Fiscal Year of Funding	PHDEP Funding Received	Grant #	Fund Balance as of Date of this Submission	Grant Extensions or Waivers	Anticipated Completion Date

FY 1995 x	\$434,500	NY06DEP0090195	0	GE	HUD Closeout date 1/20/2000
FY 1996 x	\$434,500	NY06DEP0090196	0	GE	HUD Closeout date 1/20/2000
FY 1997 x	\$433,250	NY06DEP0090197	\$49,698.74 (03/31/2000 bal)	N/A	11/16/00
FY 1998 x	\$451,920	NY06DEP0090198	\$387,912.43 (03/31/2000 bal)	N/A	11/18/00
FY 1999 x	\$383,576	NY06DEP0090199	\$342,024.02 (03/31/2000 bal)	N/A	12/31/00

**Section 2: PHDEP Plan Goals and Budget**

**A. PHDEP Plan Summary**

In the space below, summarize the PHDEP strategy to address the needs of the target population/target area(s). Your summary should briefly identify: the broad goals and objectives, the role of plan partners, and your system or process for monitoring and evaluating PHDEP-funded activities. This summary should not exceed 5-10 sentences.

**AHA will continue its broad goals of reducing crime in its public housing developments by funding special police patrols. AHA will continue its youth programs that offer mentoring, leadership development, substance abuse education, self-esteem building, educational and social worker counseling. AHA will contract for monitoring and evaluation of program components and also continue to fund or partially fund needed staff (Substance Abuse/Community Relations Associate, Social Worker Services, and Director of Security).**

**B. PHDEP Budget Summary**

Enter the total amount of PHDEP funding allocated to each line item.

FY <u>2000</u> PHDEP Budget Summary	
Budget Line Item	Total Funding
9110 - Reimbursement of Law Enforcement	156,529
9120 - Security Personnel	
9130 - Employment of Investigators	
9140 - Voluntary Tenant Patrol	25,000
9150 - Physical Improvements	
9160 - Drug Prevention	116,747
9170 - Drug Intervention	
9180 - Drug Treatment	
9190 - Other Program Costs	80,300
<b>TOTAL PHDEP FUNDING</b>	<b>378,576</b>

**C. PHDEP Plan Goals and Activities**

In the tables below, provide information on the PHDEP strategy summarized above by budget line item. Each goal and objective should be numbered sequentially for each budget line item (where applicable). Use as many rows as necessary to list proposed activities (additional rows may be inserted in the tables). PHAs are not required to provide information in shaded boxes. Information provided must be concise—not to exceed two sentences in any column. Tables for line items in which the PHA has no planned goals or activities may be deleted.

<b>9110 - Reimbursement of Law Enforcement</b>	<b>Total PHDEP Funding: \$156,529</b>
Goal(s)	Reduce crime by 1% overall at AHA Fed. Sites (combined)

Objectives	Assignment of special police patrols to deter on-site crime and drug-related crime, including any targeted site assignments as necessitated.						
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicator
1. Special Police patrols (all sites)			3/1/01	12/31/01	\$156,529	100,000cgp	UCR (Part I & selected Part II)

<b>9140 - Voluntary Tenant Patrol</b>					<b>Total PHDEP Funding: \$25,000</b>		
Goal(s)	Residents actively involved in Neighborhood Watch at targeted sites.						
Objectives	3 paid resident coordinators and 14 or more resident volunteers on average accomplishing Neighborhood Watch activities.						
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicators
1. Neighborhood Watch	All residents of AHA family sites	n/a	1/1/01	12/31/01	\$25,000	0	3 Coordinators and 14+ staff actively involved in Neighborhood Watch Activities & include information to police as needed.

<b>9160 - Drug Prevention</b>					<b>Total PHDEP Funding: \$116,747</b>		
Goal(s)	Offer a variety of programs that offer personal & physical development, substance abuse education and leadership development.						
Objectives	Actively involve 200+ youth from family sites						
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicators
1. Boys & Girls Club (1 sites)	75+ youth per site	NY 9-5 Ida Yarbrough NY 9-13 Ezra Prentice	01/01/01	12/31/01	30,000	\$40,000 B & G Club Match	Number & names of AHA youth actively involved each month. Progress reports, on-site visits.
2. KIDS Improvement Program	75+	NY 9-1 Robert Whalen NY 9-5 Ida Yarbrough	01/01/01	12/31/01	30,000	\$0	Number & names of AHA youth actively involved each month. Progress reports, on-site visits.
3. Little League	50+	All Family Sites	04/01/01	10/31/01	5,000	\$1,500 Little League Match	Number & names of AHA youth actively involved each month. Progress reports, on-site

							visits.
4. Social Worker Services and Miscellaneous	100+ families	All Family Sites	03/01/01	12/31/01	51,747		Summary report of families served and Number & names of AHA youth actively involved each month. Progress reports, on-site visits.



9190 - Other Program Costs					Total PHDEP Funds: \$80,300		
Goal(s)	Maintain staff necessary for PHDEP program and Contract to Monitor and Evaluate PHDEP program components.						
Objectives	Continue two staff positions and secure outside agency to monitor and evaluate program components						
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHDEP Funding	Other Funding (Amount /Source)	Performance Indicators
1. Substance Abuse / Community Relations Associate			01/01/01	12/31/01	47,000	\$0	Monthly Reports on Tenant /PHDEP program information and referrals
2. Director of Security			01/01/01	12/31/01	18,300	\$0	Monthly Reports on Police patrols and other security-related endeavors
3. Grant Monitor & Evaluation Consultant			01/01/01	12/31/01	15,000	\$0	Submission of monthly and semi-annual reports to AHA

**Section 3: Expenditure/Obligation Milestones**

Indicate by Budget Line Item and the Proposed Activity (based on the information contained in Section 2 PHDEP Plan Budget and Goals), the % of funds that will be expended (at least 25% of the total grant award) and obligated (at least 50% of the total grant award) within 12 months of grant execution.

Budget Line Item #	25% Expenditure of Total Grant Funds By Activity #	Total PHDEP Funding Expended (sum of the activities)	50% Obligation of Total Grant Funds by Activity #	Total PHDEP Funding Obligated (sum of the activities)
<i>e.g Budget Line Item # 9120</i>	<i>Activities 1, 3</i>		<i>Activity 2</i>	
9110	Activity 1	\$39,133	Activity 1	\$117,396
9120				
9130				
9140	Activity 1	\$6,250	Activity 1	\$18,750
9150				
9160	Activities 1 & 2 Activity 3 Activity 4	\$30,000 \$0 \$20,437	Activities 1 & 2 Activity 3 Activity 4	\$45,000 \$5,000 \$31,310
9170				
9180				
9190	Activities 1,2 & 3	\$20,075	Activities 1,2, & 3	\$60,225
<b>TOTAL</b>		\$115,895		\$262,681

**Section 4: Certifications**

A comprehensive certification of compliance with respect to the PHDEP Plan submission is included in the “PHA Certifications of Compliance with the PHA Plan and Related Regulations.”

\*Hard copies of signed certifications required for PHDEP will be mailed to the HUD Field Office in Buffalo, NY

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**ALBANY HOUSING AUTHORITY**

***ADMISSIONS AND CONTINUED OCCUPANCY POLICY***

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**December 1999**

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**ALBANY HOUSING AUTHORITY**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part I**

INTRODUCTION

## A. INTRODUCTION

### 1. Mission Statement

The mission of the Albany Housing Authority is to lead the community with professionalism, integrity and spirit in providing quality housing of choice for a diverse population and to partner with the community to maximize social and economic opportunity.

### 2. Purpose of the ACOP

The purpose of this policy is to establish guidelines for the Albany Housing Authority staff to follow in determining eligibility for admission to and continued occupancy of public housing.

### 3. Civil Rights Policy

It is the policy of the Albany Housing Authority, also referred to as the "Housing Authority" and "AHA", to comply fully with 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), Executive Order 11063, Section 3 of the 1968 Civil Rights Act, and with all rules and regulations. Specifically, the AHA shall not on account of race, color, sex, creed, or national origin deny any family or individuals the opportunity to apply for assistance under the Low-Rent Housing Program. Neither will the AHA discriminate because of religion, age, physical handicap, pregnancy, parenthood, nor marital or veteran status.

To further its commitment to full compliance with applicable Civil Rights Acts, the AHA will provide federal, state, and local information to applicant/participant households regarding discrimination and recourse in the event of discrimination. Such information will be made available during the Pre-Occupancy Briefing and all applicable forms and printed material will be made available to prospective resident families.

### 4. Privacy Policy

It is the policy of the AHA to facilitate the full exercise of rights conferred on individuals under the Privacy Act of 1974, 5 U.S.C 552A, and to insure the protection of privacy as to individuals about whom the Housing Authority maintains records under its Low-Rent Housing Program.

Therefore, the AHA shall not disclose any personal information contained in such records by any means of communication to any person or to another agency unless the individual to whom such information pertains requests or consents to such disclosure or unless such disclosure is authorized under the applicable provisions of the Privacy Act. The AHA has determined that disclosure under any other circumstances would constitute an unwarranted invasion of privacy in violation of the Privacy Act and the United States Constitution. The AHA shall refuse any and all requests for any unauthorized and unlawful disclosures. It is important to note that this privacy policy is applicable to the disclosure of participant information and NOT the gathering and use of information necessary to ensure full compliance with HUD regulations governing such items including, but not limited to, the following:

- determining initial and on-going eligibility
- applicable allowances and deductions
- resident rental payments
- current and past assets
- outstanding indebtedness to government as a result of prior participation in other federally-subsidized housing programs

However, no information regarding applicant/participant households will be solicited unless directly attributed to direct or implied responsibilities of the Housing Authority.

5. Authority

Eligibility for admission to and occupancy of Low-Income Public Housing is governed by requirements of the Department of Housing and Urban Development, with some latitude for State and local policies and procedures. This Admissions and Continued Occupancy Policy (ACOP) incorporates these requirements and is binding upon applicants, residents, and the Housing Authority alike, the latter two through inclusion of the ACOP into the Dwelling Lease by reference. Notwithstanding the above, changes in applicable Federal law or regulations shall supersede this policy at any point in which they are in conflict.

6. Objectives

The objectives of this policy are to:

- a. Promote the overall goal of drug-free, healthy, safe, affordable, decent, and sanitary housing in good neighborhoods by:
  - (i) Ensuring a social and economic mix of low-income residents within each public housing neighborhood in order to foster social stability and upward mobility;
  - (ii) Ensuring the fiscal stability of the Housing Authority; and,
  - (iii) Lawfully denying admissions or continued occupancy to families whose presence in a public housing neighborhood is likely to adversely affect the health, safety or welfare of other residents or the physical environment of the neighborhood.
- b. Facilitate the efficient management of the Housing Authority and compliance with Federal Regulations by establishing the policy basis for management procedures, record keeping, and auditing.
- c. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964 and all other applicable Federal Laws and regulations to insure that admission to and occupancy of public housing neighborhoods is conducted without regard to race, color, creed, sex or national origin.
- d. Prescribe standards and criteria for resident selection and annual reexamination of income and family composition.

7. Terminology



The term "he" or "his" used throughout this document is used in the generic sense to include male/female, singular/plural as appropriate. The Housing Authority is also referred to as the "Housing Authority" or the "AHA" throughout this document.

**HOUSING AUTHORITY**

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part II**

**DEFINITIONS**

## A. FAMILY

1. The term "Family" as used in this policy means:
  - 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 person, or a person with disabilities, or the remaining member of a tenant family.
  
2. The term "Disabled family" as used in this policy means:

A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.
  
3. The term "Displaced family" as used in this policy means:

A family in which each member, or whose sole member, is 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.
  
4. The term "Displaced person" as used in this policy means:

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.
  
5. The term "Elderly family" as used in this policy means:

A family whose head, spouse, or sole member is a person who is at least 62 years of age; or 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.

6. The term “Elderly person” as used in this policy means:  

A person who is at least 62 years of age.
7. The term “Live-in Aide” as used in this policy means:  

A person who resides with one or more elderly persons, or 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.
8. The term “Near-elderly family” as used in this policy means:  

A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or 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.
9. The term “Near-elderly person” as used in this policy means:  

A person who is at least 50 years of age but below the age of 62.
10. The term “Person with disabilities” as used in this policy means:
  - a. Has a disability as defined in section 223 of the Social Security Act;
  - b. Has a physical, mental, or emotional impairment that:
    - (i) Is expected to be of a long-continued and indefinite duration;
    - (ii) Substantially impedes his or her ability to live independently; and
    - (iii) 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 section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).
  - d. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.

## B. ANNUAL INCOME

### 1. Income

Income is defined by the Secretary of HUD at 24 CFR 5.609, effective April 1, 1997 and amplified in this policy in those areas within the discretion of a Public Housing Authority.

### 2. Annual Income

Annual Income means all amounts, monetary or not, which go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or are anticipated to be received from a source outside the family during the 12-month period following reexamination effective date; and, which are exclusive of income that is temporary, nonrecurring, sporadic, and exclusive of certain other types of income specified in this policy; and, amounts derived during the 12-month period from assets to which any member of the family has access.

#### a. Annual Income includes, but is not limited to:

- (i) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services:
- (ii) The net income from 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;
- (iii) 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 (ii) above 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;

- (iv) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment;
  - (v) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (but see "lump sum additions" in this policy);
  - (vi) Welfare assistance;
    - (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 calculated under paragraph above shall be the amount resulting from one application of the percentage.
  - (vii) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling.
  - (viii) All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling, but see paragraph 5 in the next sub-section regarding special pay);
- b. Annual Income does not include:
- (i) Income from employment of children (including foster children) under the age of 18 years;
  - (ii) Payments received for the care of foster children or foster adults;
  - (iii) 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 (but see "payments in lieu of earnings" in this policy);
  - (iv) Amounts that are specifically for or in reimbursement of the cost of medical expenses;
  - (v) Income of a Live-in Aide, as defined in 24 CFR §913.102;

- (vi) Amounts of educational scholarships paid directly to the student or the educational institution, and amounts paid by the Government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student. Any amount of such scholarship or payment to a veteran not used for the above purposes that are available for subsistence is to be included in income;
- (vii) The special pay to a family member in the Armed Forces away from home and exposed to hostile fire;
- (viii) Temporary, nonrecurring or sporadic income (including gifts);
- (ix) 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.
- (x) Earnings in excess of \$480 for each full-time student 18 years old or older, excluding the head of household and spouse;
- (xi) Adoption assistance payments in excess of \$480 per adopted child;
- (xii) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- (xiii) 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.
- (xiv) 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.
- (xv) Certain stipends and other income received by participants in qualified training, self-sufficiency and work incentive programs.
- (xvi) Earned income:
  - (a) Disallowance of earned income from rent determinations applies when a family member becomes employed after being unemployed for at least one (1) year, or when income increases during the participation in any family self-sufficiency or job training program, or who is or was assisted under NYS Family Assistance Program (TANF) within six (6) months and whose earned income increases. Such disallowance shall be granted to eligible families for a twelve- (12) month period, contingent upon continued employment or increased income.

- (b) Upon expiration of the 12-month period of disallowance of earned income from rent determinations, earned income shall continue to be disallowed for the next twelve (12) months at a rate not to exceed 50% of the amount of the total rent increase that would be applicable in the absence of the disallowance. Such phase-in of earned income in rent calculation is contingent upon continued employment or increased income.
  
- (xvii) 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. When such exclusions are mandated by Federal statute or regulation, they will become effective as prescribed by the Federal government without the necessity to amend this policy. The following is a list of types of benefits that qualify for that exclusion effective February 1998.
  - (a) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636).
  - (b) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
  - (c) Payment to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(g), 5058);
  - (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626 (a));
  - (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e));
  - (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
  - (g) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b));
  - (h) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503 2504);
  - (i) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Authority or the Court of Claims (25 U.S.C. 1407-1408) or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117); and
  - (j) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution (See 24 CFR 215.1(c)(6), 236.3(c)(6), 813.106(c)(6), and 913.106(c)(6)).



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

3. Monthly Income - One-twelfth of Annual income. For purposes of determining priorities based on an applicant's rent as a percentage of monthly income.
4. Adjusted Income - Adjusted income means annual income less the following:
  - a. \$480 for each Dependent;
  - b. \$400 for any Elderly Family or any Disabled Family;
  - c. For any Family that is not an Elderly Family but has a Handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expenses in excess of three percent of Annual Income, but this allowance may not exceed the employment income by Family members who are 18 years of age or older as a result of the assistance to the Handicapped or Disabled Person;
  - d. For any Elderly Family or Disabled Family.
    - (i) That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent of Annual Income;
    - (ii) That has disability assistance expenses greater than or equal to three percent of Annual income, an allowance for disability assistance expenses computed in accordance with paragraph (3) of this section, plus an allowance for Medical Expenses that is equal to the Family's Medical Expenses;
    - (iii) That has disability assistance expenses that are less than three percent of Annual Income, an allowance for combined disability assistance expenses and Medical Expenses that is equal to the amount by which the sum of these expenses exceeds three percent of Annual Income; and
  - e. 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, to be gainfully employed, or to further his/her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.
  - d. \$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities;
  - g. The amount of any earned income of a member of the family who is not:
    - (i) 18 years of age or older, and

- (ii) The head of the household (or the spouse of the head of the household).
- h. Other exclusions
- b. (i) Any supplemental or part-time earned income from AHRDC-owned (Albany Housing Resident Development Company) business that is in addition to other family household income used to calculate rent, and/or
  - (ii) Any supplemental or part-time earned income from TLC-owned (Tenant Leadership Council) business that is in addition to other family household income used to calculate rent.

In either of the above cases, the income must be IN ADDITION to other family household income in order to be excluded. Where either or both is the sole source of income for the family household, the total income will be used to calculate Total Tenant Payment.

5. Monthly Adjusted Income - One-twelfth of Adjusted Income.
6. Income for Eligibility - "Income for Eligibility" for purpose of determining eligibility for admission and for statistical reporting, means "Annual Income."
  - a. Projects available for occupancy before 10-1-81 - Income for eligibility shall not exceed the "lower income" limits.
  - b. Projects available for occupancy on or after 10-1-81 - Income for eligibility shall not exceed the "Very Low Income" limits.
7. Income for Rent - "Income for Rent" for the purpose of determining rents and for statistical reporting means adjusted income; except that Annual Income is not to be used in determining the minimum rent.
  - (a) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626 (a));
  - (b) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - (c) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
  - (d) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b));
  - (e) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503 2504);
  - (f) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Authority or the Court of Claims (25 U.S.C. 1407-1408) or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117); and
  - (g) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational

institution (See 24 CFR 215.1(c)(6), 236.3(c)(6), 813.106(c)(6), and 913.106(c)(6)).

### C. TOTAL TENANT PAYMENT

1. Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the one of the following rounded to the nearest dollar:
  - a. 30 percent of Monthly Adjusted Income; or
  - b. 10 percent of Monthly Gross Income; or
  - c. The Shelter Rate Allowance if the family receives Public Assistance from the Department of Social Services, as specifically designated by such agency to meet the family's housing costs.
  - d. A minimum rental amount of \$50.
  - e. Flat Rent. A market value rent determined for each unit size in each development. Flat rents may change when the Authority determines such a need for a change.
2. Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges, such as maintenance charges, late charges, etc.
3. Total Tenant Payment and minimum rents may be reduced by an allowance for tenant-paid utilities that are not included with the rent. Where the utility allowances exceed the TTP or Minimum Rent, the difference will be paid to the tenant in the form of a monthly Utility Allowance Payment (UAP).
4. Flat Rents will not be reduced by any utility allowance since they are based on the market value of the unit. Tenant is fully responsible for any tenant-paid utility.
5. Total Tenant Payment for State Public Housing developments will be based on the allowable deductions and the NYS DHCR approved rent schedule by bedroom size.

## D. OTHER

1. 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 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 childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The Housing Authority will not normally determine childcare expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for children.
2. 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. An unborn child shall not be considered a dependent.
3. Designated Housing: A project (or projects) or a portion of a project (or projects) that has been designated in accordance with 24 CFR Part 945.
4. Employment: Applicants whose head of household or spouse is employed. The employment income must be countable under the U.S. Department of Housing and Urban Development's definition of annual income. This preference shall be given to applicants whose head of household, spouse or sole member is 62 or older, or is receiving social security disability, supplemental security income disability benefits, or any other payment based on the individual's inability to work. There is no minimum income requirement.
2. Extremely Low-Income Family: A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than 30 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
7. Housing Authority: The Albany Housing Authority is referred to as the Housing Authority.
8. Live-In Aide/Caretaker: A person who is employed by and resides with an Elderly, Disabled, or Handicapped person or persons to provide medical care, and who:
  - a. Is determined by the HA to be essential to the care and well-being of the person(s);
  - b. Is not obligated for support of the person(s); and
  - c. Would not be living in the unit except to provide supportive services. (See 24 CFR §913.106(c) for treatment of a Live-In Aide's Income.)
9. Head of Household: Head of Household means the adult member of the family who is held primarily responsible and accountable for the family, particularly in regard to lease obligations.
10. Lower Income Family: A family who's Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs of unusually high or low family incomes.

11. Medical Expenses: Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by Insurance. Medical expenses, in excess of 3% of Annual Income, are deductible from annual income for elderly families only.
12. Military Service: Military service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29, 1945, the Commissioned Corps of the United States Public Health Service.
13. Minor: A "minor" is a person less than eighteen years of age. (An unborn child may not be counted as a minor but is counted for eligibility of a single, pregnant female.) An infant is a child under the age of two. Unemancipated minors shall not be eligible for participation in the public housing program because they cannot be legally held to a contract.
14. Mixed Population Project: A public housing project, or portion of a project, that was reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception, the AHA has obtained HUD approval to give preference in tenant selection for all units in the project (or portion of a project) to elderly families and disabled families. These projects formerly were known as elderly projects.
15. Net Family Assets: "Net Family Assets" include the value of, or equity in, real property, savings, bonds, stocks, and other forms of capital investments after deducting reasonable costs that would be incurred in the disposition of such assets. The value of personal property such as furniture and automobiles is to be disregarded in the Net Assets determination. Also, the interests in Indian trust land and equity accounts in HUD homeownership programs is to be disregarded. (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 as 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.) In determining Net Family Assets, the AHA shall include the value of any 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 resident received important consideration not measurable in dollar terms.
16. Spouse: Spouse means the husband or wife of the head of household.
17. Tenant Rent: The amount payable monthly by the Family as rent to the AHA. Where all utilities (except telephone) and other essential housing services are supplied by the AHA, tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the AHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance. (Tenant Rent is a term established and defined by 24 CFR (§913) and as such, is occasionally awkward in ordinary usage. For this reason, the term "Tenant Rent" is used interchangeably with "rent" elsewhere in this ACOP to refer to the net monthly payment by the family to AHA. The only exception is the term "rent" as defined in this policy in reference to admission priorities based on an applicant's rent as a percentage of monthly income, minimum rents and flat rents as described below).

When tenant chooses a flat rent, the tenant rent amount is the established flat rent amount. Any utility allowance that may be applicable for the unit is not deducted from the flat rent amount. Tenant is responsible for payment of any utilities in full when a flat rent option is taken.

18. Rent: For purposes of determining whether an applicant is entitled to a priority for public housing admission based on current rent as a percentage of monthly income if the Authority has a published preference for this type of priority housing admission, rent is defined as the actual amount due, calculated on a monthly basis, under a lease or rental agreement between a family and the family's current landlord, plus any monthly payments that a family makes toward tenant purchased utilities (except telephone) and other housing services. In calculating a family's payments toward utilities and other housing services, the Housing Authority will use its reasonable estimate of tenant-purchased utilities and other housing services that are normally included in rent; or if the family chooses, the family's average monthly utility costs, based on the family's utility bills furnished by the family, for the most recent 12-month period, or, where bills are not obtainable for the entire period, for an appropriate recent period.

For the purposes of calculating rent under this paragraph, amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rental amount to the extent that they are not included in the family's income.

In the case of an applicant who owns a manufactured home, but who rents the space upon which it is located, rent under this paragraph includes the monthly payment to amortize the purchase price of the home, as calculated in accordance with HUD's requirements. In the case of members of a cooperative, rent under this paragraph means the charges under the occupancy agreement between the members and the cooperative.

19. Utility: Electricity, gas, heating fuel, water and sewage services, and trash and garbage collection. Telephone and cable television service is not included as a Utility.
20. Utility Allowance: If the cost of utility (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 AHA or HUD, of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a quality living environment.
21. Utility Reimbursement/Credit Rent/Zero Rent: 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. If the utility allowance exceeds the Total Tenant Payment, a zero rent condition exists and a utility credit may be paid to the tenant in the amount the utility allowance exceeds the Total Tenant Payment for income-based and minimum rents.
22. Very Low-Income Family: A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
23. Welfare Assistance: TANF (Temporary Assistance to Needy Families) is known as the Family Assistance Program in New York State. These payments to families with children and based on need are made under programs funded, separately or jointly, by federal, state or local governments.
24. Neighborhood or Community: Any lower income Public Housing site as established in a development program, except that when sites are adjacent or within a block of each other, such sites collectively shall be considered one location.

25. Handicapped Assistance Expenses: Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member and that are necessary to enable a Family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.
26. Public Housing Authority (PHA): Any State, County, municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families. The term “public housing” includes dwelling units in a mixed finance project that are assisted by a public housing authority with capital or operating assistance.
27. State Development: Public housing development constructed and funded by the New York State Division of Housing and Community Renewal (DHCR). Such units may have income exclusions and rent calculation procedures different than federally funded public housing units.
28. Transitional Housing: AHA units rented by a variety of NYS not for profit agencies whose clients are going through substance rehab or domestic violence prevention, mental health and lead abatement programs.
29. Resident Police Officers: Active duty eligible law enforcement officers that occupy AHA units for residential purposes and for increased site security. (See Part III.O-1)
30. Resident Employees: Qualified persons living in AHA units who provide essential operational services to the development in which they reside on behalf of the Authority.



## E. Preferences

Albany Housing Authority has published the following preferences for its public housing and Section 8 assistance programs:

1. Working families, elderly, disabled families.
  - a. Working Families: Families that have at least one adult member that can prove that they were employed for nine (9) months of the last twelve- (12) months. Earned income shall be excluded from income, in accordance with section B of this policy, annual income.
  - b. Elderly, Disabled Families: Families that have at least one adult member who is 62 years of age or older or whose head, spouse or other family member is receiving social security disability, supplemental security income benefits, or any other payments based on an individual's inability to work.

The term "Person with disabilities" as used in this policy means:

- a. Has a disability as defined in section 223 of the Social Security Act;
  - b. Has a physical, mental, or emotional impairment that:
    - (i) Is expected to be of a long-continued and indefinite duration;
    - (ii) Substantially impedes his or her ability to live independently; and
    - (iii) 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 section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).
  - d. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.
2. Educational or training program participant or graduate: Families that have at least one adult member who is a graduate or active participant in educational or training programs that are designed to prepare individuals for the job market. Verification shall be required from the educational or training program. Income from stipends from educational or training programs shall be excluded from income, in accordance with section B of this policy, annual income.

NOTE 1: Where all other considerations are equal Residents of the City of Albany further defined as any family that has resided in the City of Albany for at least the past 9 months will be selected before non-residents.

\* AHA participated in the Federal Safe Home Program which provides housing or housing assistance to persons in need of transitional housing due to domestic violence, crime prevention, witness protection. At the discretion of the Executive Director or his designated representative for these special cases, persons/families will be housed as conditions warrant.



**HOUSING AUTHORITY**

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part III**

**ADMISSIONS**

## B.A. ADMISSIONS

### 1.1. Non Discrimination

The Housing Authority will not, on account of race, color, creed, sex or national origin, deny or hinder any applicant family the opportunity to make application or lease a dwelling unit suitable to its needs in any of its developments. Neither will the Housing Authority discriminate because of religion, age, physical handicap, pregnancy, parenthood, nor marital or veteran status.

The selection of residents for occupancy of available units will be in conformance with all HUD guidelines and regulation and applicable Fair Housing and Equal Opportunity Requirements.

### 2.2. Deconcentration Policy

The Albany Housing Authority's Board approved policy states that AHA shall regularly monitor (a minimum of once annually each June) the percentages of families presently occupying each AHA owned development that is predominantly occupied by families with children and falling into the following categories:

- Families with income less than 30% of the median area income;
- Families with income falling between 30% and 50% of median area income;
- Families with income falling between 50% and 80% of median area income; and
- Families with income exceeding 80% of median area income.

If these income profiles of AHA family developments shows a deviation of more than 15 in any category (in terms of present occupants), applicants of the income category needed to balance the development's profile relative to other developments shall be offered a housing unit in that development first. This practice shall continue until sufficient numbers of families housed in the development in question to rectify the imbalance such that category deviation is less than 15% in any category.

AHA will require applicants for public housing to list their family incomes and these will be tracked in the above categories.

If these efforts are insufficient to rectify imbalances in a 3-month period of time, special marketing efforts shall be undertaken to promote living in some, one or more particular developments.

### 3.3. Income Targeting

Albany Housing Authority shall insure that as new applicants are "pulled" from the waiting list for developments occupied predominately by families with children each month, at least 40% of such new applicants shall list family incomes of less than 30% of the area median income, in compliance with the federal Quality Housing and Work Responsibility Act of 1998.

If selecting applicants in time/date/preference order should result in this percentage of very poor families being 40% or greater, then no special action shall be taken. If selecting applicants in time/date/preference order should result in less than 40% of that month's "call-in" batch being from the "very poor" income family category, then selected applicants shall be skipped over (they shall remain on the top of the waiting list) until a family from the "very poor" family income category shall be reached. This process shall continue until at least 40% of that month's "pull" shall be composed of very poor families.

If more than twenty names have to be skipped over to reach “very poor” family applicants, we will undertake special marketing efforts to attract very poor income applicants to the waiting list. The waiting list for Low Income Public Housing will remain continuously open until further notice.

## C.B. OUTREACH TO HIGHER INCOME FAMILIES

### 1. Outreach to Higher Income Families

The Housing Authority encourages program participation by higher income families. In an effort to create mixed-income communities and lessen the concentration of very-low income families within the Housing Authority's public housing family developments, the Housing Authority will conduct outreach targeted to higher income working families and will create incentives for lower income families to move into higher income developments.

The Housing Authority will maintain a profile of resident income of each public housing family development. Designated Housing Authority staff will initiate outreach to higher income families. Outreach will include printed material, radio advertising, and television advertising of the Housing Authority's family public housing program. Outreach may also include formal and informal discussions and meetings. Furthermore, the Housing Authority will grant incentive rents (or other incentives) to higher income families for the purpose of creating mixed income communities and lessening the concentration of very low-low income families in one area. All applicants will be briefed about the Housing Authority's site based waiting lists and the applicant's option to choose a development for occupancy. (903.7 (c)(2))

### 1.2. Approach

The Housing Authority may provide incentives for higher income families to move into lower income family developments and incentives for lower income families to move into higher income family developments. The applicant family shall have sole discretion in determining whether to accept the incentive and the Housing Authority shall not take any adverse action toward any eligible family for choosing not to accept an incentive and occupancy of a target development.

The following approaches shall be utilized where policy is established to ensure that higher income families move into lower income family developments and lower income families move into higher income family developments:

- a. Waiting list skipping based on tenant income;
- b. Site-based waiting list
- c. Working family preference;
- d. Affirmative marketing efforts;
- e. Incentives for transfers;
- f. Income exclusions.

## D.C. APPLICATION TAKING

All admissions to public housing shall be made on the basis of a pre-application completed by the applicant family. The Housing Authority will collect pre-applications when the application process is open. The pre-application for admission shall constitute the basic legal record of each family applying for admission and shall support the Housing Authority's determinations of eligibility status, priority status, rent, and size of unit for which the applicant is qualified. The necessary information required for regulatory compliance will be collected and input in computerized records. All supplemental materials pertaining to eligibility shall be considered a part of the application record and carefully recorded. This includes verifications of income and family composition and such other data as may be required. AHA will use family data from applications for the preparation of its Agency Plan, Five-Year Plan and Annual updates as required by the U.S. Department of Housing and Urban Development (HUD). The following conditions shall govern the taking and processing of pre-applications:

1. Applicants for the public housing program will be required to submit a written pre-application form provided by the AHA. All pre-applications must be obtained in person or will be mailed upon request at the AHA central office. The AHA will make special accommodations, upon request, to facilitate the application process for elderly, disabled and handicapped applicants. AHA staff will be available to all applicants for assistance with completing the AHA pre-application form and to answer related questions.
2. Pre-applications will be maintained on the AHA's computer system. Applicants shall complete and sign the pre-application and certify, subject to civil and criminal penalties, to the accuracy of all statements made therein. The AHA may require the signature of the any other adult member of the applicant household who is listed on the initial application (pre-application).
3. Applicants will be notified in writing by mail that their name has approached the top of the waiting list, notified of a date and time for an applicant interview with AHA staff, and will be notified that they are required to submit verification documentation as part of the application process at the time of the applicant interview. A list of required verifications will be provided to the applicant in the same mailing. The verification list will designate a deadline date for submission of all required verifications to the AHA.
3. Should an applicant fail to provide required verification documentation within time frame established by the AHA, the applicant's name will be removed from the waiting list.
4. Should the AHA's letter to the applicant be returned by the post office, the applicant's name will be removed from the waiting list.
5. The Housing Authority reserves the right to suspend pre-application taking when the current supply of completed pre-applications exceeds the number of families that could be reasonably expected to be housed within the next twelve months.
6. The Housing Authority will normally take pre-applications from a central location which will allow for processing by staff persons knowledgeable of the rules and regulations governing resident selection and assignment, but reserves the right to establish satellite locations for pre-application taking, so long as all processing is done in a central location (unless a site-based waiting list is established).
7. The Housing Authority reserves the right to establish times for taking pre-applications, including by appointment. The Housing Authority staff may at its discretion provide for application interviews outside normal hours when necessary for hardship reasons including but not limited to availability of applicant only after his/her regular work hours.

8. Insofar as possible, application-screening interviews shall be conducted in a private and confidential manner.
9. Applications shall be updated as applicants report changes in income and family circumstances. All modifications to applications shall be properly documented and the transaction initialed by the staff member making the change. All reported changes will be input into the computer system immediately.
10. All active applications will be purged no less than once each 6 months. Notification shall be sent to each applicant informing him/her that unless he/she confirms his/her continued interest, his/her application will be retired from the active file. Returned notification will be attached to the respective application as evidence of unsuccessful effort to locate the applicant. All applicants will be instructed to notify the AHA whenever there is a change in family composition, income, address, and any other factors relative to their eligibility status. Applicants should notify the AHA if he/she no longer desires consideration for public housing.
11. Applicants on waiting lists for any other type of assisted housing will have no special status with respect to the Public Housing Program. Applicants must submit separate applications for other programs. Applicants will not lose their place on any other AHA waiting list should they make an application for public housing. This right will be explained to each applicant who might have previously filed an application for a dwelling unit through any other AHA program. However, if an applicant claims an AHA address, but the applicant is not listed on the lease for such address, the application will not be accepted and the applicant will not be placed on the waiting list. Likewise, the leaseholder of the identified public housing unit will have the lease termination process initiated.
12. The Housing Authority shall maintain such records as are necessary to document the disposition of all applications and to meet Department of Housing and Urban Development audit requirements.



#### D. ELIGIBILITY CRITERIA

1. The Housing Authority shall use the guidelines and procedures prescribed by HUD at the time of applicant processing to make a final determination of household eligibility.
2. All families who are admitted to Public Housing must be individually determined eligible under the terms of this policy. In order to be determined eligible, an applicant family must meet ALL of the following requirements:
  - a. The applicant family must qualify as a family as defined in Section B.
  - b. The single person applicant must qualify as a single person as defined in Section B.
  - c. The applicant's Annual Income as defined in Section B (HUD Secretary's definition) must not exceed income limits established by the Department of Housing and Urban Development for Public Housing in the County of AHA jurisdiction.
  - d. The applicant family must conform to the Occupancy Standards contained in this policy regarding unit size and type.
  - e. The applicant must have a satisfactory record in meeting past financial obligations, especially in payment of rent. In situations where an unsatisfactory record is obtained the AHA shall take into consideration extenuating circumstances such as illness, or other incidents beyond the control of the applicant.
    - Applicants shall not have a history (over the past two years) of habitual late rent payments, as defined by eight (8) or more late payments during one calendar year;
    - Applicants shall not have been sued more than two (2) times over the past two (2) years for habitual late rent payments;
    - Applicants shall not have been sued more than four (4) times during the entire tenancy for habitual late rent payments;
    - Applicants shall not have been evicted for non-payment of rent over the past two years.
  - f. Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of the Department of Housing and Urban Development (HUD) from making financial assistance available to persons who are other than United States Citizens, nationals, or certain categories of eligible non-citizens either applying to or residing in specified Section 214 covered programs. Section 214 programs include Public Housing, Section 8 Rental Certificate Program and Section 8 Rental Voucher Program.
  - g. Any tenant evicted from federally assisted housing by reason of drug-related criminal activity shall not be eligible for federally assisted housing during the 3-year period beginning the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the Housing Authority, and/or if the circumstances leading to eviction no longer exists.
  - h. The Housing Authority shall prohibit admission for any household member who the Housing Authority determines is illegally using a controlled substance, or determines that a household member's illegal use, or pattern of illegal use, of a controlled substance, or abuse, or pattern of

abuse, of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny admission to the Housing Authority any household based on a pattern of abuse of alcohol by a household member, the Housing Authority may consider whether such a household member:

- (i) Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);
  - (ii) Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of controlled substance or abuse of alcohol (as applicable); or
  - (iii) Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).
- i. The Housing Authority shall prohibit admission for any applicant or member of the applicant's household who the Housing Authority determines is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related, violent or criminal activity or other unlawful activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents or Housing Authority staff.
- Should the applicant family have a past record of criminal activity, AHA may consider circumstances that demonstrate the family's willingness to improve themselves through a social service program and/or training for employment program.
- j. The Housing Authority shall prohibit admission for any applicant or member of the applicant's household who has been convicted of a felony within the past five (5) unincarcerated years from the date of applicant canvassing.
- k. The applicant family must have no record of disturbance of neighbors, destruction of property, unsafe living habits, unsanitary housekeeping practices, substance abuse, or any other history which may be reasonably expected to adversely affect:
- (i) The health, safety, or welfare of other residents;
  - (ii) The peaceful enjoyment of the neighborhood by other residents; or
  - (iii) Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).
- l. The Housing Authority shall prohibit admission for any applicant or member of the applicant's household who the Housing Authority determines is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents or Housing Authority staff.

- m. The Housing Authority shall prohibit admission for any applicant or member of the applicant's household who has been convicted of a felony within the past five (5) unincarcerated years from the date of applicant canvassing.
- n. The Housing Authority shall permanently deny admission to and occupancy of any AHA apartment for any applicant or member of the applicant's household who the Housing Authority determines is subject to a lifetime registration requirement under a state sex-offender registration program.
- o. The Housing Authority shall permanently deny admission to and from occupancy in any public housing dwelling unit by, and from any assistance under Section 8 for, any person who has been convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law.
- p. The applicant family must have no record of disturbance of neighbors, destruction of property, unsafe living habits, unsanitary housekeeping practices, substance abuse, or any other history which may be reasonably expected to adversely affect:
  - (i) The health, safety, or welfare of other residents;
  - (ii) The peaceful enjoyment of the neighborhood by other residents; or
  - (iii) The physical environment and fiscal stability of the neighborhood.
- q. The applicant family must not have a record of grossly unsanitary or hazardous housekeeping. This includes the creation of a fire hazard through acts such as damaging/disabling smoke or fire equipment; the hoarding of rags and papers; severe damage to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage improperly; or serious neglect of the premises. In a case where a qualified agency is working with the applicant family to improve its housekeeping and the agency reports that the applicant family shows potential for improvement, decision as to eligibility shall be reached after referral to and recommendation by the Executive Director or his designee. This category does not include applicant families whose housekeeping is found to be superficially unclean or lacks orderliness, where such conditions do not create a problem for the neighbors.
- r. The applicant family must be able to demonstrate capacity to discharge all lease obligations. This determination shall be made on a case by case basis and shall not be used to exclude a particular group by age, handicap, etc. In determining the applicant family's capacity to discharge all lease obligations the HA must consider the family's ability to secure outside assistance in meeting those obligations.
- s. The applicant family must have a satisfactory record in meeting financial and other lease obligations for any agency or public housing or Section 8 program. A former resident who owes a move out balance to any Housing Authority for any program will not be considered for admission or re-admission until the account is paid in full and reasonable assurance is obtained of the applicant's ability to meet his or her rent obligations.
- t. The applicant must not have a history of non-compliance with rental agreements including failure to comply with the terms of the rental agreements on prior residences, such as providing shelter to unauthorized persons, keeping pets or other acts in violation of rules and regulations, and painting or decorating without permission of the owner.

- u. Any applicant who has been evicted from a public housing program or terminated from a Section 8 Rental Program for noncompliance, violation of lease requirements, or terminated for fraud or misrepresentation or whose application is terminated for fraud or misrepresentation shall not be eligible to apply for or receive any type of housing assistance for a minimum of 3 years.
  - v. The applicant family must have properly completed all application requirements, including verifications. Misrepresentation of income, family composition or any other information affecting eligibility, rent, unit size, neighborhood assignment, etc. will result in the family being declared ineligible and may also face possible criminal charges. In the event the misrepresentation is discovered after admission, the family may be subsequently evicted, even if the family meets current eligibility criteria at that time.
  - w. Other factors affecting a final determination of eligibility include:
    - (i) Household has no outstanding indebtedness to HA or any other federal housing program;
    - (ii) Family will occupy unit as their sole place of residence.
3. Substance abuse as described in this policy and drug-related criminal activity as described in this policy shall include, but not be limited to, 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)).
4. Sources of information for eligibility determination may include, but are not limited to, the applicant (by means of interviews or home visits), landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances. Information relative to the acceptance or rejection of an applicant shall be documented in accordance with Part C; Verification, and placed in the applicant's file. Such documentation may include reports of interviews, letters or written summaries of telephone conversations with reliable sources. At a minimum, such reports shall indicate the date, the source of information, including the name and title of the individual contacted, and a summary of the information received.
5. In the event of the receipt of unfavorable information with respect to an applicant, consideration (where applicable and where allowed by law) shall be given to the time, nature, and extent of the applicant's conduct or to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. For example:
- a. Evidence of rehabilitation.
  - b. Evidence of the applicant family's participation or willingness to participate in social services or other appropriate counseling service programs and the availability of such programs.
  - c. Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.
  - d. In the case of applicants whose capacity for independent living and discharge of lease obligations is in question, the resources actually available in support of the family, such as visiting nurses, homemakers or Live-In caretakers.

6. An otherwise ineligible handicapped applicant shall be eligible for admission if the problem resulting in the ineligibility can be addressed through reasonable accommodations.
7. Tenancy at properties for elderly and/or handicapped persons will be based upon the applicant's ability to live independently or to live independently with limited supportive services.
8. The Housing Authority will not unnecessarily segregate individuals with handicaps to particular areas or developments. The Housing Authority will provide assistance to enable all individuals with handicaps to meet legal requirements; for example, the Housing Authority will provide interpreters, Braille or taped versions of leases, recertifications and other legal documents.
9. In the event an individual is refused housing based on one or more of the above screening criteria, he/she may request an informal hearing or appeal to the Executive Director in writing.

### 1.E. Screening

1. Under section 575 of the Quality Housing and Work Responsibility Act of 1998, the Housing Authority may require, as a condition of providing admission to the Housing Authority, that each adult member of the household provide a signed, written, authorization for the Housing Authority to obtain records regarding such member of the household from the National Crime Information Center, police department, and other law enforcement agencies.
2. Under section 578 of the Quality Housing and Work Responsibility Act of 1998, the Housing Authority may require, as a condition of providing admission to the Housing Authority, that each adult member of the household provide a signed, written, authorization for the Housing Authority to obtain records from state and local agencies to determine whether an applicant is subject to a lifetime registration requirement under a state sex offender registration program.

Before an adverse action (permanent denial of housing assistance) is taken with respect to an applicant for occupancy on the basis that an individual is subject to a lifetime registration requirement under a state sex offender registration program, the Housing Authority shall provide the applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.

3. Under Section 428 of the QHWRA, the Housing Authority shall permanently deny occupancy and/or immediately and permanently terminate the tenancy in any public housing unit of, and the assistance under section 8 for, any person who is convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law.
4. Under Section 575 of the Quality Housing and Work Responsibility Act of 1998, the Housing Authority, notwithstanding any other provision of law other than the Public Health Service Act (42 USC 201 et seq.) may require each person who applies for admission to the Housing Authority to sign a one or more forms of written consent authorizing the Housing Authority to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of controlled substances. In a form of written consent, the Housing Authority shall request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

The Housing Authority shall make an inquiry to a drug treatment facility if the Housing Authority receives information from the criminal record of the applicant that indicates evidence of prior arrest or conviction or the Housing Authority receives information from the records of prior tenancy of the applicant that demonstrates that the applicant engaged in the destruction of property, engaged in violent activity against another person, or interfered with the right of peaceful enjoyment of the premises of another tenant.

5. The applicant's signed written consent shall expire automatically after the Housing Authority has made a final decision to either approve or deny the applicant's application for admittance to public housing.
6. The term "currently engaging in the illegal use of a controlled substance" means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and ongoing problem.

## 2.F. RECORDS MANAGEMENT AND CONFIDENTIALITY

### 1. Records Management

- a. All records obtained for the purpose of applicant screening shall be maintained confidentially and in accordance with section 543 of the Public Health Service Act (12 USC 290dd-2) to ensure that the records are not misused or improperly disseminated and are properly destroyed.
- b. All records obtained for the purpose of applicant screening shall be:
  - (i) Maintained in the applicant file in a locked file cabinet.
  - (ii) Destroyed no less than five (5) business days after the date on which the Housing Authority gives final approval for an application for admission.
  - (iii) Destroyed in a timely manner if the Housing Authority denies the application and the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

### 3.2. Confidentiality

The Housing Authority receiving information for the purpose of applicant screening shall not be disclosed to any person who is not an officer, employee, or authorized representative of the Housing Authority and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary.

Any officer, employee, or authorized representative of the Housing Authority who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of the Housing Authority, under false pretenses, or any officer, employee, or authorized representative of the Housing Authority who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and such to the fines of the state.

Any applicant or resident of the Housing Authority affected by negligent or knowing disclosure of information referred to in this subsection about such person by an officer, employee or authorized representative of the Housing Authority, which disclosure is authorized by this subsection, or any other negligent or knowing action that is inconsistent with this subsection, may bring a civil action for damages and such other relief as may be appropriate against the Housing Authority. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters.

## **G. VERIFICATION OF INCOME AND CIRCUMSTANCES**

No applicant family shall be admitted to public housing without thorough verification of income, family composition and all other factors pertaining to the applicant's eligibility, rent, unit size and type, priority rating, etc. The same types of verifications are required to process any interim or regular reexamination for public housing residents. Complete and accurate verification documentation shall be maintained for each applicant and resident. Such documentation may include, but is not limited to, the following:

1. Letters or other statements from employers and other pertinent sources, including court orders, giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility and preference determinations. Third party verification will be the preferred process used.;
2. Third party verification forms supplied by AHA and returned properly completed by employers, public welfare agencies, etc.;
3. Originals, photocopies, or carbon copies of documents in the applicant's possession which substantiate his statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff member who viewed them. Such documents must be within 60 days current. No determinations will be made based upon information/documents more than two (2) months old;
4. Statements from self-employed persons, and from persons whose earnings are irregular, such as salesmen, etc., sworn to before a Notary, setting forth gross receipts, itemized expenses and net income (expenses incurred for business expansion or amortization of capital indebtedness are to be included in net income); Certified copies of state and federal annual income forms may be accepted;
5. Memoranda of verification data obtained by personal interview, home visit, telephone, or other means, with source, date received, name and title of person receiving the information clearly indicated, and a summary of information received;
6. Certified birth certificates, or other substantial proof of age, to support claims to the various entitlements in these policies for each member of the household;
7. Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a family or entitlement to consideration under the criteria established in these policies, provided in written form by the appropriate government agency;
8. Statements from landlords, family social workers, parole officers, court records, drug treatment centers, clinics, physicians, the New York State Department overseeing Law Enforcement, county sheriff's department or police departments, where warranted in individual cases;
9. Receipts for utility services;
10. For households reporting "zero" income, HA will require statements and verification from parties who are identified as providing non-cash contributions such as groceries, clothing and accommodations;



11. When verification cannot be effectuated by either form of third party verification or review of documents, applicant/participant will be required to submit a notarized statement.

Where a notarized statement has been accepted for income determination purposes, the family will be appraised of requirement to undergo a re-exam every 3 months.

12. 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 his or her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending.

- a. Citizens or Nationals of the United States: A signed declaration of U.S. citizenship under penalty of perjury.
- b. Eligible Immigrants who were Participants and 62 years of age or over on June 19, 1995: A signed declaration of eligible immigration status and provides proof of age.
- c. Noncitizens with eligible immigration status: A signed declaration of status and verification consent form and original immigration documents which are copied front and back and returned to the family. AHA will verify the status through the INS SAVE system. If this primary verification fails to verify status, AHA will request within ten (10) days that the INS conduct a manual search.
- d. Ineligible family members who do not claim to be citizens or eligible immigrant must be listed on a statement of ineligible family members signed by the head of household or spouse.
- e. Noncitizen 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 the final verification other factors of eligibility. 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.

Extensions of Time to Provide Documents. Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. HA will allow up to sixty (60) days to provide the document or receipt issued by the INS for issuance of replacement documents.

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.

13. The Housing Authority shall require the family head and other such family members as it designates to execute a HUD-approved release and consent from authorizing any depository or private source of income, or any Federal, state, or local agency to furnish or release to the AHA and to HUD such information as AHA or HUD determines to be necessary. Because eligibility for Federal Housing Assistance is not based on a "declaration system" but upon verification of actual income and family circumstances, the Housing Authority is not limited to verification of data supplied by applicants or residents. Failure of an applicant to cooperate with the Housing Authority in obtaining verifications will result in the application being declared incomplete and inactive. A tenant who fails to cooperate or to release information may be evicted. In addition, interim rent reductions will not be made for residents until after receipt of all required verifications. In consideration of the privacy rights of residents and applicants, the Housing Authority shall restrict its requests to those matters of income, assets, family composition and other family circumstance which are related to eligibility, rent, unit size and type, admission priority rating, or other lawful determinations made by the Housing Authority. If the verified data as listed in this policy are not more than two months old at the time an applicant is selected for admission, and the applicant certifies by written statement that no change has occurred in his status, the data will be considered as reflecting the applicant family's status at the time of admission. If data are more than two months old, all factors are to be reverified and findings recorded. As part of the application record of each applicant determined to be eligible for admission, the admitting officer or his supervisor shall certify that an investigation has been made of such family and that on the basis of this investigation, it has been determined that the applicant and his family meet all the conditions governing eligibility.

14. Special verification requirements for earned income exclusions

All residents who desire to claim an earned income exclusion must report the new earned income or increased income within ten (10) days after they begin. Failure to accurately and promptly report changes in employment or increased income (or other changes in income or family circumstances affecting eligibility for the same) will result in denial or loss of the earned income exclusions. If such failure results in the resident paying lower rent than he/she would have otherwise been required to pay, the resident is subject to the same penalties for any other failure to report income, including retroactive rent. Residents receiving earned income exclusion must report all changes in income within ten (10) days after they occur.

In addition to such other verification as the Housing Authority shall require, any resident or applicant claiming an earned income exclusion must supply documentation in a form prescribed by the Housing Authority from employers and social services agencies, as applicable.

No resident or applicant is automatically entitled to earned income exclusion. Determination of the eligibility for the earned income exclusion is the sole responsibility of the Housing Authority. Not

withstanding the above, it is the responsibility of the resident/applicant to supply the complete and accurate information which the Housing Authority requires to make an eligibility determination.

In the event that the Housing Authority determines that the information supplied by the resident and/or training agency is not adequate to determine eligibility, the Housing Authority may require additional information beyond that originally submitted. No exclusions will be granted until all required information is obtained and verified.

An adverse decision on the eligibility of an existing resident for an earned income exclusion may be appealed through the resident grievance procedure (subject to limitations of that procedure, especially as they pertain to the inapplicability of the procedure to policy issues), but the Housing Authority shall not be liable for any retroactive payments due to reversal of an initial determination.

As with other interim rent changes, any reduction in rents which result from the application of this policy shall be effective on the first day of the month following that month in which the eligibility for the deduction is determined. The Housing Authority shall not be liable for retroactive reductions if the resident fails to report the change within the required time period.

Rent increases resulting from expiration of the phase-in disallowance period provided under the earned income exclusion, are effective on the first day of the following month. All other rent increases resulting from the application of this policy, are implemented in the same manner as other increases resulting from changes in income or benefits. If the resident complies in an accurate and timely manner with all reporting requirements, (including requirements to report any changes in training or employment status which affect eligibility for exclusions) any increase in rent will be effective on the first day of the second month after the income changes are reported. Failure to meet reporting requirements will result in rent increase retroactive to the date the change actually took place.

15. Summary of Verified Data: A summary of verified information shall be prepared upon receipt of all required verification documentation and shall include the following determinations:

- a. Eligibility: the applicant meets the definition of Family as defined in this policy and income is within the appropriate income limits for admission.
- b. Preferences
- c. Date and time of completed application
- d. Size of unit needed by family
- e. Income Exclusions and Rent to be paid

## **H. DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

1. As soon as possible after receipt of a pre-application, the Housing Authority will determine the applicant family's eligibility for public housing in accordance with the provisions of this policy, and will determine whether a preference exists. In the event an applicant family is determined to be eligible, the family shall be placed on the waiting list, and informed of the time estimated before an offer of a dwelling unit will be made. If this period is estimated to be longer than one year, HUD requires that the applicant family shall be informed of this fact.
2. Families that have submitted a pre-application will be notified that its eligibility determination is tentative in nature, being largely based on declarations made by the applicant family, and is subject to further reviews prior to admission.
3. In the event an applicant family is determined to be ineligible, the family shall also be informed in writing of the basis for this determination. An applicant family does not have the right to use the Tenant Grievance Procedure, but will be given, upon request, the opportunity for an informal hearing to present such facts as it wishes. The applicant family will be advised that should an informal review be desired, a written request to this effect must be received by AHA within 10 working days of the post marked date of the notification of ineligibility.
4. Thorough investigation of each pre-application will be conducted during the Tenant Screening. Eligibility will be verified by the AHA staff within the provisions of this policy. The Tenant Screening will include:
  - full application
  - verification of all required items
  - preference verification
  - applicant interview
  - home visit and housekeeping inspection
  - criminal record screen
  - screening for registration under the state sex offender program and registration under State Parole Department
  - drug abuse treatment facility check (as required)
  - credit check
5. Applicants denied a preference shall be notified in writing about the denial. The notice shall contain a brief statement of the reason(s) for the determination and state that the applicant has a right to meet with a representative of the Housing Authority to review the determination.
6. In all cases, the Housing Authority reserves the right to withdraw any determination of eligibility, tentative or otherwise, when additional information indicates that the prior determination was inappropriate.

7. Informal Review

- a. If a request for a review is received within the specified ten- (10) day period, AHA will notify the applicant, in writing, of the scheduled time and date of review.
- b. AHA will appoint a Review Officer to conduct the informal review who shall be an Housing Authority Officer or employee who did not participate in the original determination of denial, nor will the officer be a subordinate of the party who made the denial decision nor anyone who approved such decision.
- c. The applicant will be apprised that they may be represented by legal counsel or other representative at his/her own expense.
- d. AHA will present factual or other basis for its decision. The applicant may also present his/her position. Subject to the direction of the Review Officer, the applicant and the Housing Authority may offer and examine evidence and question any witnesses.
- e. The Review Officer will issue a written decision, stating the facts and/or other basis for the decision. The decision or any other issue of fact will be based solely upon evidence presented at the hearing. A copy of the decision will be furnished to the applicant.
- f. AHA will not be bound by a decision of the Review Officer where it is determined that the Officer exceeded his/her authority or has made a determination which is inconsistent with HUD regulations, federal statute, or state or local law that imposes obligations on applicants or residents.
- g. The record of such review/determination will be maintained by the Housing Authority's Application Office.

8. Conditions for Denial

- a. Applicant or participant currently owes rent or other amounts to AHA or to another agency in connection with Section 8 or Public Housing Program.
- b. Applicant has committed any fraud in connection with any federal housing assistance program.
- c. Applicant has violated any Family obligation under any Section 8 Existing Program as stated on the Certificate of Family Participation or Housing Voucher.
- d. Applicant has breached an "Agreement to Repay" any monies due the Housing Authority. If the applicant owes money as a prior participant, the applicant will not be accepted, nor placed on the waiting list, until payment in full has been received.
- e. Applicant has an unacceptable Police Record wherein the applicant or any member of the household who has attained the age of 18 has within the past five years been convicted of a crime or has a history of criminal activity that would jeopardize the health, safety, and welfare of the community. Examples of unacceptable behavior includes, but is not limited to violent behavior, confirmed drug or alcohol addiction or abuse, grossly unsanitary or hazardous housekeeping, history of disturbance of neighbors, destruction of property, or other disruptive or dangerous behavior of any family member regardless of age

f. INS Denial

Assistance to applicant shall be denied in accordance with the procedures for any of the following events:

- (i) Evidence of citizenship (i.e. the Declaration) and eligible immigration status is not submitted by the date specified or by the expiration of any extension granted; or,
- (ii) Evidence of citizenship and eligible immigration status is submitted timely, but INS primary and secondary verification does not verify eligible immigration status of all family members; and,
  - (a) The family does not pursue INS appeal or Housing Authority informal hearing rights; or,
  - (b) INS appeal and Housing Authority informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

## I. OCCUPANCY STANDARDS

To avoid overcrowding and prevent wasted space, units are to be leased in accordance with the occupancy standards set forth below. If there should be a dwelling unit that cannot be filled with a family of appropriate size, after all possible efforts have been made to stimulate applications, a family eligible for the next smaller size unit may be offered this unit. This shall be with the understanding that the family is subject to later transfer to a unit of the proper size. If the applicant family requires more than five bedrooms, the Housing Authority will be unable to provide housing to the applicant.

1. The following system will be used to determine proper bedroom size for each applicant and resident:
  - a. The head of each household and his/her spouse (unless medical reasons dictate) are assigned to one bedroom.
  - b. Persons of different generations, persons of the opposite sex (other than spouses) and unrelated adults will not be required to share a bedroom.
  - c. Children will not be required to share a bedroom with a person of different generations, including their parents.
  - d. All remaining family members are assigned to bedrooms on the basis of two of the same sex to a bedroom, unless children are under the age of six, or two children of the same sex have an age difference of eight to ten years.
  - e. If necessary for continued occupancy, an infant up to the age of two (2) years may share a bedroom with a parent.
  - f. Foster children are normally included in determining unit size.
  - g. A live-in care attendant who is not a member of the family will not be required to share a bedroom with another member of the household.
  - h. Space may be provided for a child who is away at school but who lives with the family during school recesses.



2. Notwithstanding the above, the Housing Authority may lease one bedroom apartments to a single parent with a child provided that neither of the following two events will or are expected to occur within the next nine (9) months:
  - a. That the child sharing the parent's bedroom will turn three (3) years old; and/or
  - b. That the mother is expecting another child.
  
3. Upon admission, bedrooms shall be occupied by not more than two persons. For continued occupancy, exceptions to this requirement may be waived based on existing conditions affecting family members. These conditions may include one or more of the following:
  - a. relationship of family members to one another;
  - b. ages of household members;
  - c. sex of persons to occupy the unit;
  - d. handicap; or
  - e. other individual circumstances.
  
4. Units shall be assigned so as not to require the use of the living room for sleeping purposes.
  
5. The following standards regarding the minimum and maximum number of persons who will occupy a unit will be applied within the restraints of financial solvency and program stability. The AHA will also assign units based on the type of unit needed by the individual applicant or applicant family. This refers primarily to the family's ability to use stairs or their status as an elderly family. When it is found that the size of the dwelling is no longer suitable for the family in accordance with these standards, the family will be required to move as soon as a dwelling of appropriate size becomes available. These families will be transferred in accordance with the Transfer Policy. In the situation where a tenant requires a different size dwelling unit and the tenant has either an outstanding balance, a history of poor housekeeping standards or destruction of property, or has not been a desirable tenant the tenant will be deemed ineligible for transfer and will be referred for termination.

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

## J. APPLICANT SELECTION AND ASSIGNMENT PLAN

### 1. Applicant Selecting

Applications will be filed and selected by unit type and size; by preference; and by date and time of application. If an applicant claims a preference, they are considered to be a priority applicant. Applicants who claim no preference are considered to be non-priority applicants.

### 2. Preferences

Preference #1: Working families, elderly, disabled families

- a. Working Families: Families that have at least one adult member that can prove that they have been employed for nine (9) months of the last twelve- (12) months. (Earned income may be excluded from income, in accordance with section B of this policy, annual income.)
- b. Elderly, Disabled Families: Families that have at least one adult member who is 62 years of age or older or whose head, spouse or other family member is receiving social security disability, supplemental security income benefits, or any other payments based on an individual's inability to work .

Preference #2: Educational or training program participant or graduate

Families that have at least one adult member who is a graduate or active participant in educational or training programs that are designed to prepare individuals for the job market. Verification shall be required from the educational or training program. Income from stipends from educational or training programs shall be excluded from income, in accordance with section B of this policy, annual income.

NOTE: When all other considerations are equal, Residents of the City of Albany, defined as any family that has resided in the City of Albany for at least the past 9 months will be selected over non-residents

### 3. Denial of Preference

A preference shall not be given to an applicant if any member of the family is a person who has been evicted from housing assisted under a 1937 Housing Act program due to drug related criminal activity.

However, a preference may be given if:

- a. The applicant or family member evicted has successfully completed a drug rehabilitation program; or,
- b. The applicant or family member clearly did not participate; or,
- c. The Housing Authority determines that the applicant or family member no longer participates in any drug related criminal activity.

4. Authority-Wide Waiting List

The Housing Authority-wide waiting list will be ordered as follows:

- a. By unit type (regular, elderly, special handicapped) and in unit size by bedrooms.
- b. By preference only.
- c. Within any priorities above, by date and time of application.
- d. Families who claim no preference will be notified by the Housing Authority that their names will be retained on the waiting list as non-priority applicants. If at some future time, their status changes in regards to a preference, they will be entitled to claim the preference, and be added to the priority waiting list.

5. Site-Based Waiting List

The Housing Authority may offer computerized site-based waiting lists in an effort to encourage deconcentration of poverty and income mixing. Computerized site-based waiting lists for certain developments may be offered, as needed, to meet the goals of the Housing Authority. Developments with site-based waiting lists will not be included in the Housing Authority's Authority-wide waiting list; however families may be on both waiting lists.

The Housing Authority shall determine and compare the relative tenant incomes of each public housing development to determine if there is a concentration of poverty or lack of income mix, as compared to the surrounding community. If it is determined that there is a concentration of poverty or lack of income mix in a certain development, a site-based waiting list, with specific preferences for the site, will be offered. For example, for developments with concentrations of poverty (70% of residents have incomes less than 30% of AMI), a preference will be given to families with two (2) working adults; and for developments with higher income families (greater than 30% of families meet or exceed low-income limits), in order to create an income mix, a preference will be given to families with a rent burden (paying more than 50% of income toward rent and utilities). The Housing Authority will continuously monitor the tenant incomes of each family development, and if needed, the incomes of the census tracts to determine if the site-based waiting list and preferences have achieved deconcentration of poverty and income mixing. Once the goal is achieved, the site-based waiting list may be suspended.

Procedures regarding the administration of a site-based waiting list will comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws. The Housing Authority shall make full disclosure to each applicant of the option for selection of the development in which to reside. ■

The Housing Authority-wide waiting list will be ordered as follows:

- a. By unit type (regular, elderly, special handicapped) and in unit size by bedrooms.
- b. By preference only.
- c. Within the priorities above, by date and time of application.
- d. Families who claim no preference will be notified by the Housing Authority that their names will be retained on the waiting list as non-priority applicants. If at some future time, their status changes in regards to a preference, they will be entitled to claim the preference, and be added to the priority waiting list.

4.6. Waiting List Skipping

To meet the Housing Authority's income targeting goals, the Housing Authority is required to skip lower income families to bring a higher-income eligible applicant family to the top of the waiting list (either Authority-wide or site based waiting lists) if a dwelling unit in a development becomes vacant.

7. Updating of the Waiting List

The Housing Authority shall update the waiting list every ninety- (90) days in order to maintain the most current information. Applicants will be requested to provide the Housing Authority with updated information through writing. Applicants who do not respond to the request to update shall be removed from the waiting list. If the applicant's failure to respond was due to the applicant's disability, the Housing Authority shall provide reasonable accommodations to give the applicant an opportunity to respond.

8. Applicant Selection and Assignment

The AHA will select applicants for participation without discrimination based on race, color, sex, creed, or national origin nor deny any family or individuals the opportunity to apply for assistance under the Low-Rent Housing Program. Neither will the AHA discriminate because of religion, age, physical handicap, pregnancy, parenthood, nor marital or veteran status.

The selection of residents for occupancy of available units will be in conformance with all HUD guidelines and regulation and applicable Fair Housing and Equal Opportunity Requirements.

9. Special Use Dwelling Units

- a. When a unit that meets specific need (e.g., a unit designed to accommodate a handicapped tenant requiring the use of a wheelchair) becomes available, that unit will be offered first to a current occupant of another unit managed by the Housing Authority having handicaps and requiring the accessibility features of the vacant unit. If no such occupant exists, the unit will be offered to the next eligible applicant on the waiting list requiring that special unit. If there are no applicants on the waiting list needing a specially designed unit, the unit will then be offered to those eligible qualified applicants in their normal sequence.
- b. Elderly applicants will be given preference for units designed specifically for elderly occupancy. Near Elderly Single Persons will be given preference over Non-Elderly Single Persons for units designed specifically for elderly occupancy.

- b. Dwelling units in designated midrise and highrise elevator structures shall not be provided for non-elderly families, or for families (elderly or non-elderly families) with minor dependent children under eighteen (18) years of age, except with the written permission of the Executive Director.
- c. AHA reserves the right to fill vacancies at its NY 9-21 Third Street scattered site houses by a lottery system as an incentive to upgrade a family's current housing status. AHA will preference current residents over persons on the waiting list. However, this does not preclude the Authority from selecting a family based on the wait list skipping for income targeting allowed under current law.

5.10. Change in Income Targeting Goals

Under the Housing Authority's *Public Housing* program, the public housing units made available for occupancy in any fiscal year, not less than 40% must be occupied by families whose incomes do not exceed 30% of the area median income (AMI). The balance of the units may be made available to families with incomes up to 80% of AMI.

Under the Housing Authority's *Section 8* program, not less than 75% of the participants shall be families whose incomes do not exceed 30% of the area median income. Under the provisions of HR 4194, if the Housing Authority exceeds this goal and has in excess of 75% of participants whose incomes do not exceed 30% of available dwelling units occupied by eligible families whose incomes at the come of commencement of occupancy do not exceed 30% of the area median income.

(a)a. Credit for Exceeding Targeting Goals

During any fiscal year, the Housing Authority may be credited the number of units by which the aggregate number of qualified families who in such fiscal year are initially provided tenant-based assistance under Section 8 exceeds the number of qualified families that is required for the Housing Authority to comply with income target requirements.

(b)b. Credit Limit

The credit number of units shall not exceed the lesser of:

- (i) The number of dwelling units that is equivalent to 10% of the aggregate number of families initially provided tenant-based assistance under Section 8; or,
- (ii) The number of public housing dwelling units that:
  - (a) Are in projects that are located in census tracts having a poverty rate of 30% or more; and,
  - (b) Are made available for occupancy during such fiscal year and are actually filled only by families whose incomes at the time of occupancy exceed 30% of the area median income.

11. Pre-Qualify

As an application moves near the top of the waiting list, the Housing Authority will contact the applicant family to determine continued interest, to update and complete the application for final

processing, to alert the applicant that an offer is likely in the near future, and to inform the applicant about the requirements for move-in, such as utility deposits, security deposits, etc.

12. Dwelling Unit Offers

When the applicant is matched to the specific unit, that dwelling unit becomes "unrentable" until the offer is made and accepted or rejected. In order to reduce vacancy loss, it is necessary that processing from this point move as quickly as possible.

a. Unit Offers to Applicants on the Authority-Wide Waiting List

- (ii) Upon availability for occupancy, an applicant will be offered a unit in the development with the greatest number of vacancies.
- (iii) Upon offer of an apartment, the applicant shall have five (5) days to accept or reject the apartment. An additional business day may be granted if necessary to allow the applicant to inspect the apartment. Applicants not responding to an offer of housing by the AHA shall be ruled ineligible and their application will be removed to the inactive/ineligible file and so documented.
- (iii) Upon acceptance of the offer, the applicant will then be assigned a deadline for move-in. Before the end of this period, the applicant must complete all outstanding pre-occupancy requirements, such as joint HQS unit inspection, establishment of utility services, leasing interview, and lease execution. Failure to complete move-in requirements within the assigned period will result in withdrawal of the offer and inactivation of the application.
- (iv) Families will be made up to three (3) offers of a unit of appropriate size and type. The first offer shall be made in the development with the greatest number of vacancies. Should the family reject the first offer, the family will offered another unit in the development with the second greatest number of vacancies. Should the family reject the second offer, the family will be offered a final unit in the development with the third greatest number of vacancies. If the family rejects the third unit offer, the family will be removed from the waiting list, unless the family can document that a move at that time would create an undue hardship on the family which is not related to race, creed, sex, national origin, religion, handicap, or familial status.

b. Unit Offers to Applicants on the Site Based Waiting List

- (i) The Housing Authority will strive to create mixed-income communities and lessen the concentration of very-low income families within the Housing Authority's public housing developments through admissions policies designed to bring in higher income tenants into lower income developments and lower income tenants into higher income developments. The Housing Authority shall establish site-based waiting lists, as needed in specific developments, to achieve this goal. Preferences shall be established for the site-based waiting list based on the relative tenant incomes of each development and the incomes of census tracts in which the developments are located. (i.e. preferences to attract higher-income families will be established for developments that are found to have concentrations of poverty; and, preferences to attract lower-income families will be established for the developments lacking an income mix.) Site-based waiting lists will be suspended as the Housing Authority meets its income mix goals.

- (ii) When a unit becomes vacant, the first applicant at the top of the waiting list will be offered the vacant unit, except in the case where overall targeting needs are unmet.

If the applicant rejects the unit, the Housing Authority will reassess the applicant's interest in the specific development and determine if a move at that time would create an undue hardship on the family which is not related to race, creed, sex, national origin, religion, handicap, or familial status.

- (a) If the family can document that a move at that time would create an undue hardship on the family which is not related to race, creed, sex, national origin, religion, handicap, or familial status, the family will remain at the top of the site-based waiting list.
  - (b) If the family rejects the unit because of lack of interest in the development, the family will be moved to the Authority-wide waiting list, maintaining the same application date and time.
  - (c) If the family rejects the unit, maintains an interest in the specific development, but cannot document that a move at that time would create an undue hardship on the family which is not related to race, creed, sex, national origin, religion, handicap, or familial status, the family will be placed at the bottom of the site-based waiting list. If this family rejects a second unit offer at the development, the family will be placed on the Authority-wide waiting list with the same application date and time.
- (iii) Upon offer of an apartment, the applicant shall have five (5) days to accept or reject the apartment. An additional business day may be granted if necessary to allow the applicant to inspect the apartment. Applicants not responding to an offer of housing by the AHA shall be ruled ineligible and their application will be removed to the inactive/ineligible file and so documented.
  - (iv) Upon acceptance of the offer, the applicant will then be assigned a deadline for move-in. Before the end of this period, the applicant must complete all outstanding pre-occupancy requirements, such as joint HQS unit inspection, establishment of utility services, leasing interview, and lease execution. Failure to complete move-in requirements within the assigned period will result in withdrawal of the offer and inactivation of the application.

## K. LEASING OF DWELLING UNITS

### 1. Lease Agreement

- a. The head of the household/spouse and all adult household members age 18 years and older of each family accepted as a tenant are required to execute a lease agreement in such form as the Housing Authority shall require prior to actual admission. One copy of the lease will be given to the lessee and the original will be filed as part of the permanent records established for the family.

The head of household according to the Lease will be legally responsible for the family unit and will be held liable for the conduct of the family members and guests and for the needs of the family.

- b. Each lease shall specify the unit to be occupied, the date of admission, the size of the unit to be occupied, all family members who will live in the unit, the rent to be charged, the date rent is due and payable, other charges under the lease such as late rent payment \$10.00; returned check charge \$15.00, surcharge for failure to complete reexamination \$100, maintenance charges, etc.), and the terms of occupancy. It shall be explained in detail to the head of household or other responsible adult before execution of the lease.

- c. The lease shall be kept current at all times. If a resident family transfers to a different unit in the same or another PHA community, the existing lease will be canceled. A new lease will be executed for the unit to which the family is to move by the head of household. Leases will be for a 12 month term.

If any other change in the resident's status results in the need to change or amend any provisions of the lease, or if the PHA desires to waive a provision with respect to the resident, (1) the existing lease is to be canceled and a new lease executed, or (2) an appropriate rider is to be prepared and executed and made a part of the existing lease.

- d. Certain documents are made part of the dwelling lease by reference. These include, but are not limited to, the Admissions and Continued Occupancy Policy (ACOP), the Grievance Procedure, Utility Allowances, Flat Rent Schedule, and One Strike Policy.
- e. Cancellation of a tenant's lease is to be in accordance with provisions of the lease. Generally, the lease shall not be canceled or not renewed except for serious or repeated violations of its terms by the tenant. Written records shall be maintained containing the pertinent details of each eviction.
- f. Live-in Caretakers, as defined in Section B, will not be party to the lease nor will the Caretaker's income be taken into consideration in the calculation of resident rent. Families requiring Live-in-Caretaker assistance must have such assistance approved by the PHA prior to the Caretaker's occupancy in the dwelling unit. In the event that the family vacates the unit, the Caretaker will be required to vacate as well. In no case will the Caretaker be considered the remaining member of the tenant family.



2. Security Deposit

The resident shall provide the Housing Authority prior to occupancy with a cash security deposit as designated in the Lease Agreement. AHA will accept Security Agreements from persons with DSS assistance. Interest shall be paid on the cash security deposit if held longer than 13 months as prescribed by the New York State Landlord Tenant Act. Interest is not paid on security agreements.

Security deposits shall be returned to the tenant within 30 days after vacating the premises provided all terms, covenants, and conditions of the lease have been fully performed; or a letter of Disposition explaining why the Housing Authority is withholding the security deposit will be sent.

## L. UTILITY POLICY

### II.1. General Statement

The Housing Authority supplies all, some, or none of the utilities for public housing residents depending on the development in which they are residing. Leases establish both the utilities covered and the allowance(s) for those not covered. Allowances are based on the average utility usage for similar sized units in similar type buildings and the kilowatt hours are converted using the NIMO rate.

### III.2. Individual Relief

The Housing Authority will consider any doctor/physician requests that document the special needs of the patient (tenant). The doctor must supply in writing, the medical condition that warrants, and explains the reason(s) why the special equipment is necessary to treat the condition. The statement must also include the term that the special equipment will be necessary for the patient (tenant).

The Housing Authority will review the average "extra" monthly utility cost for the equipment. Where the average monthly utility cost based on the utility company's information (for the use of the equipment) exceeds the tenant's monthly utility allowance by more than 20%, the Housing Authority may recommend an adjusted utility allowance be given to the tenant.

### IV.3. Emergency Relief

During the heating season and if heat is unavailable for more than a 24 hour period (emergency) in a building that causes any resident to use a supplemental heat source which is approved by the Housing Authority, (UL-listed space heater) the Housing Authority will review requests for individual relief. If the tenant cost is greater than 20% of the established allowance for that unit for the term of the emergency, the Housing Authority may recommend a special allowance for that term. Maintenance records will be used to verify a heat emergency situation.

Emergency Relief may also be accommodated by the Housing Authority in the form of temporary tenant relocation to a suitable area where adequate heat is available. Relocation may be necessary to abate the emergency. If an emergency necessitates relocation, special allowances will not be available.

### V.4. Utility Committee

The Housing Authority will establish a Utility Committee to review the cases under both Individual Relief and Emergency Relief. The Committee will, to the greatest extent feasible, consist of the Director of Maintenance, Tenant Selection Supervisor, and one resident appointed by the Executive Director. The Executive Director may appoint additional members at any time.

The Utility Committee will review each case in an objective manner. The Committee will take into consideration utility consumption, documented special need, energy usage, maintenance records, etc.

The Utility Committee's decision will be final.

VI.5. Other

Should Individual or Emergency Relief be issued, the tenant must supply the Housing Authority with all utility bills for the term of the relief. If relief is expected to continue more than 12 months, Accounting will compute a new allowance using the average of the utility bills collected. The manager must retain the utility bills in the tenant's file until the Accounting Department calls for them.

Whenever a utility allowance is adjusted, a new Utility Allowance form must be executed by the tenant and manager and must be retained in the tenant's file.

### M. ADMISSION OF ADDITIONAL MEMBERS TO A CURRENT HOUSEHOLD

1. Purpose - Population in excess of the number of persons for which a neighborhood or unit was designed is often the cause of many serious management problems including crime, vandalism, excessive maintenance costs, and low tenant satisfaction. It is with this in mind that this section of this ACOP is established.
2. Application Procedure - The resident of a household that wishes to add additional members to their household must first submit a written application, in the form prescribed by management, for approval by the Executive Director or his/her designee.
3. Eligibility Criteria:
  - a. All new member(s) must be determined eligible in accordance with Part C eligibility criteria.
  - b. The unit in which new members are requesting admission shall not be overcrowded and shall be maintained in accordance with Part C, Occupancy Standards.
4. Application Denial - The AHA may deny the application for any of the following reasons:
  - a. Applicant(s) do not meet Eligibility Criteria as outlined in Part C.
  - b. The dwelling unit is overcrowded or would exceed the Occupancy Standards as outlined in Part C.
  - c. Applicant(s) do not meet the criteria for family as established in Part B.
  - d. Applicant(s) are former members of resident family and have since become emancipated and are attempting to re-enter household for support or other reasons.
  - e. Other reasons as determined from time to time by the Executive Director.
5. Additions which do not require approval of the applications. Verification of the new member must still be submitted to the manager to add that member to the lease. The AHA shall not deny approval for any of the following:
  - a. Newborn infants of members currently on the lease.
  - b. Minor children of members currently on the lease who were removed from their care by court action and are being returned.
6. House Guests - Dwelling units are adequate in size for the resident family only, and house guests staying with the family for a period in excess of 14 consecutive days shall be permitted only upon advance written consent of the Housing Manager.

**N. APPROVAL PROCESS FOR RESIDENTS REQUESTING PERMISSION  
TO OPERATE A BUSINESS IN THE UNIT**

Prior to making a determination the resident shall request the AHA's permission in writing and include in the request a complete outline of business activities and other data as may be requested by the AHA. When a resident desires to operate a legal profit making business from the leased unit, the AHA shall use the following factors in determining whether or not such activities are incidental to the primary use of the lease unit:

- a. Local Building health codes, requirements for license or governmental approval;
- b. Local Zoning Ordinances;
- c. The effect on AHA Insurance Coverage;
- d. Utility Consumption;
- e. Possible Damage to the leased unit;
- f. Estimated traffic and parking;
- g. Disturbance of other residents;
- h. Attraction of non-residents to the neighborhoods; and,
- i. Possible use of tenant business as a cover for drug-related activities.
- j. Ability of the resident to obtain adequate business insurance (naming the AHA as additionally insured.)

## A.O. SPECIAL OCCUPANCY PROVISIONS

### 1.1. Occupancy by police officers

The Housing Authority may allow a police officer(s) who is not otherwise eligible for residence in public housing to reside in a Housing Authority dwelling unit for the purpose of increasing security for residents of the Housing Authority. Section 524 of the Quality Housing and Work Responsibility Act of 1998 allows for this at the discretion of the PHA.

A “police officer” means any person determined by the Housing Authority to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, state, or local government or by any agency thereof.

### 2. Terms and conditions of tenancy

The Housing Authority shall make known to federal, state, city and county law enforcement agencies within the Housing Authority’s jurisdiction of the Housing Authority’s policy to allow police officers to reside in a public housing dwelling unit. Police officers will be required to submit proof of family size and proof of full-time employment as a police officer. The police officer will be charged appropriate rent as determined by the Housing Authority. The police officer(s) will be required to sign a dwelling lease and will be bound by the provisions of the lease. Loss of status of full-time employment as a police officer will result in the resident being issued a notice to vacate the unit. If the resident does not meet income eligibility requirements following loss of full-time employment as a police officer, the resident will be issued a notice to vacate the unit.

Police officer(s) will be assigned vacant units within the targeted developments stipulated above. If the development(s) is/are 100% occupied, and a police officer has completed the required paperwork for occupancy of a dwelling unit, the next available dwelling unit in the target developments will be offered to the police officer.

2. Resident Employees – Residents who live in AHA units may receive a reduced rent when a new lease is signed that describes special terms and conditions of occupancy such as assignment of cleaning duties in and around the development. Tenancy of this type must be approved in writing by the Executive Director and is on a limited, as-needed basis only where AHA determines that specific services are needed. Resident employees may have their resident employee leases terminated with two weeks notice. AHA will execute a standard lease agreement if the termination of the Resident Employees is not for non-payment, or failure to comply with the terms and conditions of occupancy or for other serious violation.
3. Safe Home Program – At the discretion of the Authority, AHA may provide dwelling units under this special U.S. Justice Department program at any time.
4. Transitional Programs – AHA reserves the right to execute agreements with outside agencies to provide housing units for persons who require temporary housing assistance. Such agreements will include provisions for continuous payment of rent should units become vacant so as to prevent AHA from sustaining financial loss from such loss of occupancy.

## E. EQUAL HOUSING POLICY

### VII.1.0 Nondiscrimination

It is the policy of the Albany Housing Authority to fully comply with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted.

The Housing Authority shall not discriminate because of race, color, sex, religion, familial status (in non-elderly designated housing), disability, handicap or national origin in the leasing, rental, or other disposition of housing or related facilities, including land, included in any development or developments under its jurisdiction.

The Housing Authority shall not take any of the following actions on account of race, color, sex, religion, familial status, disability, handicap, or national origin:

- A. Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs.
- B. Provide housing which is different than that provided others.
- C. Subject a person to segregation or disparate treatment.
- D. Restrict a person's access to any benefit enjoyed by others in connection with any program operated by the Housing Authority.
- E. Treat a person differently in determining eligibility or other requirements for admission.
- F. Deny a person access to the same level of services.
- G. Deny a person the opportunity to participate in a planning or advisory group, which is an integral part of the public housing or tenant-based housing programs.

The Housing Authority shall not automatically deny admission to a particular group or category of otherwise eligible applicants (e.g., families with children born to unmarried parents or elderly pet owners). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

The Housing Authority will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, the Housing Authority will make such physical or procedural changes as will reasonably accommodate people with disabilities.

Housing Authority records with respect to applications for admission shall indicate for each application the date of receipt; the determination of eligibility or non-eligibility; the preference rating, if any; and the date, location, identification, and circumstances of each vacancy offered and whether that vacancy was accepted or rejected.

### VIII.2.0 Affirmative Marketing

As conditions may require, the Housing Authority will post notices of housing availability in particular neighborhoods or developments to encourage fuller participation. The Housing Authority may issue public announcements of availability to encourage applications for assistance. Among the marketing efforts the Housing Authority may engage in depending on the situation are the following:

- A. Send informational spots local media outlets such as radio stations, cable TV, newspapers, or other periodicals for broadcast or publication;
- B. Conduct special outreaches to minorities, persons with disabilities and very low-income families;
- C. Distribute pamphlets and brochures;
- D. Post notices in places of employment, unemployment offices, welfare offices, post offices, grocery stores, churches, community halls, buses and other public transportation centers;
- E. Outreach to organizations that assist people with disabilities, the elderly, students, immigrants, homeless people and victims of domestic violence.

The Housing Authority will monitor the benefits received, as a result of the above activities, and will increase or decrease the outreach activities accordingly.

To reach minority groups, it may be necessary to canvas neighborhoods or make mass mailings to areas with a heavy concentration of minority citizens. If language is a problem, brochures may be printed in Spanish, Vietnamese, Arabic or other languages as required.

### IX.3.0 Operations

In order to further the objectives of nondiscrimination the Housing Authority shall:

- A. Include in the admissions briefings for all Housing Authority programs a section on compliance with Civil Rights laws. The briefing shall carefully explain to all participants what should be done if they believe they have been discriminated against.
- B. Prominently display a Fair Housing Poster in every development office owned by the Housing Authority and in the Housing Authority's main office.
- C. Use the Equal Housing Opportunity logo and/or statement in all advertising and in all marketing publications of the Housing Authority. The Housing Authority shall be particularly conscious of human models used in its publications to avoid signaling any sense of discrimination.
- D. The Housing Authority shall maintain a TDD Machine or an acceptable alternative for the use of the hearing impaired.
- E. As many publications as feasible shall be printed in both English and Spanish or any other language commonly spoken in the locality.



**Q. MISCELLANEOUS POLICIES**

AHA Policy of Antennas, Satellite Dishes, Etc.

Tenants will refrain from erecting or hanging antennas, satellite dishes, or any other article on or from any part of the building or dwelling unit or any other structure.

If such item(s) is/are found or discovered and is/are not immediately removed by the resident after AHA gives notice to remove, the article(s) will be removed at the Tenant's expense. Charges will be assessed to the resident to cover labor and any damage to AHA property.

AHA Policy on Weapons and Firearms

Tenants are not to display, use, or possess or allow members of Tenant's household or guests to display, use or possess any firearm (operable or inoperable) or other offensive weapon that is illegal or is used in an illegal manner as defined by the laws and courts of the State of New York anywhere in the unit or elsewhere on the property of the Authority.

Any firearm or other offensive weapon that is permitted to be possessed under this provision must be kept in a locked and secure manner so that it is not accessible to adults outside of the Tenant's household or to any child under the age of 18 years.

Residents will face immediate lease termination for violation of any of the above.

AHA Policy – Motor Vehicles

Tenants will remove or have removed from Authority property any vehicles without valid registration and inspection stickers. Tenants and their guests will refrain from parking any vehicles in any right-of-way, or fire lane or no parking areas designated and marked by the Authority; or after delivery of an emergency parking notification (such as for snow removal). Any inoperable or unlicensed vehicle as described above will be removed from Authority property at Tenant's expense.

Automobile repairs are not permitted on development site, including but not limited to fluid changes (oil, transmission, and brake), engine work, body work, etc. Any property damage or environmental problems caused by cars including those from leaking oil or other fluids will be charged to the tenant.

Tenants and their guests will refrain from parking/standing in any designated handicapped parking area unless a valid permit is visible on the vehicle. Cars without valid permits that are found in these locations will be towed at the owner's expense.

AHA may terminate the lease for non-compliance with any of the above

**HOUSING AUTHORITY**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part IV**  
**CONTINUED OCCUPANCY**

## A. ELIGIBILITY FOR CONTINUED OCCUPANCY

There is to be eligible for continued occupancy in the AHA communities only those residents:

1. Who qualify as a family as defined by federal requirements and this policy (see definition in Part B).
2. Who conform to the Occupancy Standard established for lower income housing. (See Part C)
3. Whose past performance in meeting financial obligations, especially rent, and other charges, is satisfactory; and
4. Whose family members have no record of disturbance of neighbors, destruction of property, unsafe living habits, unsanitary housekeeping practices, substance abuse, or any other history which may be reasonably expected to adversely affect:
  - a. The health, safety, or welfare of other residents
  - b. The peaceful enjoyment of the neighborhood by other residents
  - c. The physical environment and fiscal stability of the neighborhood.
5. Whose family does not have a record of grossly unsanitary or hazardous housekeeping. This includes the creation of fire hazard through acts such as disassembling of fire/smoke alarms, the hoarding of rags and papers; severe damage to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage improperly; or serious neglect of the premises. In cases where a qualified agency is working with the family to improve its housekeeping and the agency reports that the family shows potential for improvement, a decision as to the eligibility shall be reached after a referral with the Executive Director or his designee. This category does not include families whose housekeeping is found to be superficially unclean or lacks orderliness, where such conditions do not create a problem for the neighbors.
6. Who have not been involved in violent or drug related or criminal activity.
7. Who have not been convicted of a crime.
8. Who are not currently engaging in the use of controlled substances and/or engaging in alcohol abuse.
8. Who is not subject to a lifetime registration requirement under the state sex offender registration program.
9. Who is not, has not been or found to have been convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law.
10. Who meet the requirements for community service or participation in self-sufficiency programs.
11. Who continues to occupy the apartment on a full time basis. Ownership or occupancy of another dwelling unit or failure to occupy the unit for a period greater than thirty days shall be grounds for termination of the lease.
12. Who are, with the aide of such assistance as is actually available to the family, physically and mentally able to care for themselves and their apartment and to discharge all lease obligations. Remaining

members of a resident of a family may be permitted to remain in occupancy provided that the Housing Authority, in its sole judgment, determines that the remaining person(s) is (are):

- a. Otherwise eligible for Continued Occupancy, and
  - b. Capable of carrying out all lease obligations, including but not limited to rent payment, care of the apartment, and proper conduct, and
  - c. Willing to assume all lease obligation of the prior leaseholder, including all payments under the lease, and
  - d. Legally competent to execute a lease in his (their) own name.
  - e. The Housing Authority shall lease to otherwise eligible emancipated minor or minors otherwise competent to execute a lease, such as a minor providing his or her own necessities when the parents fail or refuse to do so.
13. In the event of the receipt of unfavorable information, consideration (where applicable) will be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. For example:
- a. Evidence of rehabilitation as verified by a duly qualified professional or representative of state or local government;
  - b. Evidence of the family's participation in, or willingness to participate in, social services or appropriate counseling service programs and the availability of such programs;
  - c. Evidence of the family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

14. Citizenship/Eligible Immigration Status

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

For the Citizenship/Eligible Immigration requirements the status of each member of the family is considered individually before the family's status is defined.

- a. 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 families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
- b. No eligible members: Families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
- c. Non-citizen students: Defined by HUD in the noncitizen regulations are not eligible for assistance.

## **B. INSPECTIONS AND REEXAMINATIONS**

### 1. Move-In Inspections

Prior to occupancy, the head of the household of the participant family and the AHA Development Manager will accomplish a physical inspection of the dwelling unit. The manager will demonstrate to the family representative the operation of the unit appliances and fixtures, where needed.

The condition of the dwelling unit will be recorded on an inspection form provided by AHA. The inspection form will be signed by the family representative and the AHA representative. A copy of the completed inspection form will be provided to the participant family and a copy will be retained in the family's occupancy file.

### 2. Housekeeping Inspections

Thirty (30) days after the family has moved into the unit a housekeeping inspection will be conducted. Areas of deficiency will be noted and a written list of areas for housekeeping improvement will be provided to the resident, with a copy retained in the resident's occupancy file. A follow-up housekeeping inspection will be conducted within seven (7) days. Housekeeping instruction will be provided to families who fail the second housekeeping inspection. Repeated failure of the housekeeping inspection may be cause for lease termination or housekeeping inspections may be conducted periodically throughout the year.

### 3. Housing Quality Standards (HQS) Inspections

The Housing Authority shall maintain its public housing properties in a condition that complies with standards that meet or exceed the housing quality standards established by the Secretary. Such housing standards shall ensure that dwelling units are safe and habitable.

The Housing Authority shall make an annual inspection of each public housing unit to determine whether units in the development are maintained in accordance with the Secretary's requirements, as well as spot inspections where there exists a threat to health and/or safety. The Housing Authority shall retain the results of such inspections and, upon request of the Secretary, the Inspector General for the Department of Housing and Urban Development, a HUD representative, or any other auditor or other authorized individual conducting an audit under section 5(h), shall make such results available.

HQS inspections shall be conducted using the AHA's forms and shall document unreported maintenance problems and verify if the unit is being kept in a decent, safe, and sanitary manner. Copies of the inspection(s) will be provided to the family, noting any deficiencies to be corrected by the family or the AHA. Where the family has been advised to take corrective action, the AHA staff will conduct a follow-up inspection within five (5) working days, if such corrective action is of a general nature.

Where the corrective action to be taken is prescribed to remedy an immediate threat to health and/or safety, the Housing Authority may correct the deficiency and charge the tenant if the deficiency is tenant caused. Corrective action may include relocation. Such corrective action shall be completed within twenty-four (24) hours. Non-compliance by the family can result in termination of tenancy.

### 4. Move-Out Inspections

Prior to the family vacating a dwelling unit, the family may request a move-out inspection with a member of the AHA staff.

The actual move-out inspection will not be conducted until the family has vacated the unit. The condition of the dwelling unit will be recorded on the inspection form utilized for the pre-occupancy inspection of the same dwelling unit, allowing for a comparison of pre- and post occupancy condition comparison. Any claim against the family for tenant caused damages will be based upon this comparison.

Following move-out by the family, renovation and/or redecoration of the dwelling unit as a result of the family's occupancy will be accomplished. Charges for items of repair, renovation, and/or redecoration of the dwelling unit made necessary by abuse, negligence, or deliberate destruction by the family will be assessed against the family's security deposit. Should the security deposit prove insufficient relative to the actual cost of such repairs, AHA management will take any and all actions at its disposal to collect the remaining balance from the family.

5. Reexaminations

Reexaminations of income and family circumstances are conducted for the following purposes:

- a. To comply with the Federal requirements relating to annual scheduled reexaminations.
- b. To determine if each family remains eligible for continued occupancy under the terms of the lease and this policy.
- c. To determine if the unit size and type is still appropriate to the family's needs and in compliance with the Occupancy Standards.
- d. To establish the Total Tenant Payment and the rent to be charged to the family.

6. Annual Reexaminations: HUD Program

Annual reexaminations are necessary to comply with the federal requirement that each family have its eligibility reexamined at least every twelve months. At any time, the resident may report changes in income and family circumstances to obtain an appropriate rent adjustment. Each tenant will be required to submit an application for continued occupancy no later than 90 days prior to the anniversary of the lease. Determination of resident rent will be made based upon information collected during the verification process utilizing applicable HUD forms and all appropriate worksheets and rent formulas. Such documents must be at least 90 days current. The family will be notified in writing of any changes in resident rent 30 days prior to the effective rent change. AHA will use third-party verification of all information at all times possible.

Failure to complete reexamination is a serious lease violation. Families that fail to complete reexamination will be assessed a \$100 per month surcharge in addition to their rent. Failure to comply with the reexamination process may result in termination of tenancy. Failure to complete reexamination includes:

- a. Failure to supply or cooperate in the verification process pertaining to income, family composition and eligibility.
- b. Refusal to properly execute required documents.
- c. Failure to certify to any federally mandated community service requirements (where applicable).

7. Annual Reexaminations: State Development

Annual reexaminations are necessary to comply with the New York State requirement that each family have its eligibility reexamined by July 1 of each year for state-assisted public housing. At any time, the resident may report changes in income and family circumstances to obtain an appropriate rent adjustment. Each tenant will be required to submit an application for continued occupancy no later than 90 days prior to July 1 of each year. Determination of resident rent will be made based upon information collected during the verification process utilizing applicable New York State DHCR forms and all appropriate worksheets and rent formulas. The family will be notified in writing of any changes in resident rent 30 days prior to the effective rent change.

Failure to complete reexamination is a serious lease violation. A family's failure to complete reexamination may result in termination of tenancy. Failure to complete reexamination includes:

- a. Failure to supply or cooperate in the verification process pertaining to income, family composition and eligibility.
- b. Refusal to properly execute required documents.

AHA state-assisted developments are NYS 137-B Creighton Storey Homes and NYS 137-C Townsend Park Apartments.

8. Interim Reexaminations

Interim reexaminations are performed to allow residents to comply with the dwelling lease requirements to report changes in income and family circumstances. Families eligible for an earned income exclusion are responsible for reporting the change in income status in writing within ten (10) days of occurrence. Families who are eligible for switching rent determination methods because of hardship circumstances shall be limited to one (1) rent switch during a twelve-month period and shall be subject to the following interim reexamination provisions.

The following are specific changes that must be reported in writing within ten (10) days of their occurrence:

- a. All changes in family composition. Additions to the family, other than through birth of a child to a family member on the lease, must be approved by the Housing Authority in advance in accordance with Part C; Admission of Additional Members.
- b. The loss or addition of a wage earner.
- c. The loss or addition of an income source.
- d. In cases of ten (10) month employment cycles, for example public school food service workers, custodial workers and teacher aides, no interim rent changes shall be effective during the two (2) months of non-employment. Instead, the ten- (10) month income shall be considered annual income and shall be computed on a twelve- (12) month basis following the normal eligible deductions for dependents, etc. (\*If other income is received by adult members of the household during any of the 12 months, it will also be counted towards annual income.)
- e. All requests for an interim reexamination must be submitted and the reported change verified by the 20<sup>th</sup> of the month in order for a decrease in rent to be effective the first of the following



month. Rent adjustments shall not be made for sporadic changes in income due to irregular work schedules of less than thirty (30) days in duration (e.g. sick days, temporary reduction in hours, etc.). Rent adjustments will be made accordingly:

- (i) Interim decreases in rent shall become effective the first month following that in which the tenant reported the change except that in the corrections of error. All changes must be reported and verified prior to the 20<sup>th</sup> day of the month in order for the decrease to be effective the first of the following month.
  - (ii) Interim increases in rent shall become effective the first of the second month following that in which the change occurred. Interim increases will be limited those based on misrepresentation of income.
  - (iii) If it is found that the tenant has misrepresented him/herself the fact on which rent is based so that rent is less than the rent that should have been charged, then the increased rent shall be retroactive to appropriate date.
  - (iv) Where wage income has increased, there will be no increase in the rent until the next scheduled annual reexamination. There may be need to adjust the rent downwards in the event the wage income is less than the previously verified income.
- f. PHA reserves the right to require participating families to undergo an interim reexamination to comply with changes to HUD rules and regulations.

9. Processing Reexaminations

All reexaminations shall be processed under the following conditions:

- a. All data must be verified and documented as required in Part C; Verification. The Housing Authority will NOT adjust rents downward until satisfactory verification is received. Verification must be received by the 20<sup>th</sup> of the month in order for the decrease to be effective on the first of the following month.
- b. Lease terminations resulting from reexaminations shall be conducted in accordance with terms of the lease.
- c. Families who are determined to be in an incorrect size or type of unit will be placed on the Transfer List in accordance with the Transfer Policy.
- d. All interim changes in tenant's rent are to be made by a standard "Notice of Rent Adjustment" which shall become a part of the lease. Changes in rent resulting from Annual Reexamination shall be incorporated into the new lease, which shall be executed by the Housing Authority and the tenant or by "Notice of Rent Adjustment".
- e. Interim decreases in rent shall be effective on the first day of the month following the month in which the change was reported in writing and verification is completed to the satisfaction of the Housing Authority, as long as the verification has been completed by the 20<sup>th</sup> of the month.
- f. Interim increases (where applicable) in rent are to be made effective on the first day of the month following a thirty- (30) day notice period.

- g. If it is found that a tenant has misrepresented or failed to report facts upon which his rent is based so that he is paying less than he/she should be paying, the increase in rent shall be made retroactively to the date that the increase would have taken effect. The tenant may be required to pay within seven days of official notification by PHA, the difference between the rent he has paid and the amount he should have paid. In addition, the tenant may be subject to civil and criminal penalties. Any misrepresentation is a serious lease violation that may result in termination of the lease.
- h. The Executive Director of the Housing Authority, or his/her officially designated representative shall certify on every application for admission or continued occupancy that all claims have been verified and that the determination of the Housing Authority is correct.
- d. Families who fail to report for or complete annual reexaminations in a timely manner will be assessed a monthly surcharge in addition to their last determined rent amount. The monthly surcharge will be effective on the actual reexamination effective date and will be equal to \$100.00. Monthly surcharges will remain due and payable once 30 days from the effective date has passed and will continue to be owed by the tenant to AHA in 30-day increments thereafter until the reexamination is completed or until the tenant has been evicted. Assessed surcharges are subject to a Grievance Hearing if so requested in accordance with the Grievance Policy.

### C. TERMINATION OF THE DWELLING LEASE

The Housing Authority shall not terminate or refuse to execute a renewal Lease Agreement other than for serious or repeated violation of terms of the lease, violation of applicable federal, state, or local law or other good cause. The Dwelling Lease shall be terminated by the Housing Authority in accordance with applicable HUD Regulations. (The below is not an all-inclusive list, the statements are some representative circumstances where AHA will or may terminate a lease.)

1. "Good cause" as used in this Section means serious or repeated violation of material terms of the Lease such as failure to make payments due under the lease or to fulfill the Resident Obligations set forth in the lease.
2. The Housing Authority may terminate the lease for any occupancy violation of section 576(b) of the Quality Housing and Work Responsibility Act of 1998 (relating to the ineligibility of illegal drug users and alcohol abusers) or the furnishing of any false or misleading information pursuant to section 577 of such Act (relating to termination of tenancy and assistance for illegal drug users and alcohol abusers).
3. The Housing Authority may terminate the lease if the Housing Authority determines that the resident is illegally using a controlled substance or whose illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
4. The Housing Authority may terminate the lease for any activity by any household member, on or off the premises, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority.
5. The Housing Authority may terminate the lease for any violent or drug-related criminal activity on or off of the premises of the Housing Authority, or any activity resulting in a felony conviction.

The term "drug-related criminal activity", for the purpose of this policy, means the illegal manufacture, sale, distribution, use, or possession with intent to sell, distribute, or use of a controlled substance.

The Housing Authority reserves the right to terminate tenancy for violent or criminal activity before or after conviction of the crime.

2. The Housing Authority may terminate the lease for failure to pay any charges, including but not limited to, late charges, surcharges or charges for damage to Housing Authority property.
3. The Housing Authority may terminate the lease for failure to meet community service or participation in self-sufficiency program requirements.
4. The Housing Authority may terminate the lease for lying about material facts in any written Housing Authority statements.
5. The Housing Authority may terminate the lease for serious or repeated damage or destruction of Housing Authority property.
6. The Housing Authority may terminate the lease for making or keeping a threat to the health or safety of other residents or Housing Authority employees.
7. The Housing Authority may terminate the lease for failure to pay resident purchased utilities.

8. The Housing Authority may terminate the lease for allowing unauthorized guests to remain in the household for more than fourteen (14) days per calendar year. Housing Authority management may approve extenuating circumstances such as a temporary live-in aide. In addition, the Housing Authority will terminate the lease of any resident whose address has been used by an individual other than a member of the household as their address (e.g. driver's license, job application, etc.).
9. The Housing Authority may terminate the lease if a household fails to comply with the prohibition against the possession of illegal firearms or other illegal weapons.
10. The Housing Authority is required by law to permanently deny assistance terminate the tenancy of any person who is or has been convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law.
11. The Housing Authority is required to permanently deny assistance and terminate tenancy for any person who is on a state registry for sex offender.
12. Procedure for termination of the Lease shall be as follows:
  - a. The Housing Authority shall give fourteen (14) days written notice of termination if said termination is caused by Resident's failure to pay rent.
  - b. The Housing Authority shall give a reasonable time period, but not to exceed thirty (30) days if the health or safety of other tenants, Housing Authority employees, or persons residing in the immediate vicinity of the premises is threatened, or in the event of any drug-related or violent criminal activity or any felony conviction, except that if the state or local law provides for a shorter period of time, such shorter period shall apply.
  - c. The Housing Authority shall give thirty (30) days written notice of termination in all other cases.
  - d. A written record of every lease termination shall be maintained by the Authority and shall contain the following information:
    - (i) Name and identification of the unit occupied.
    - (ii) Date and copy of Notice of Termination
    - (iii) Specific reason(s) for Notice to Terminate
    - (iv) Date and method of notifying tenant of reasons for lease termination
    - (v) Summary of any conference(s) with tenant, including names of conference participants.

## D. TRANSFER POLICY

The policy of the Housing Authority is to be as responsive as possible and to provide our tenants with appropriate housing units that meet the individual or family's need with a view towards minimizing the cost to the Housing Authority in terms of apartment preparation and meeting the occupancy levels and goals established by HUD. Emphasis will be placed on the family's ability to meet the eligibility criteria and their needs.

All eligible transfer requests that are not due to overcrowding or underutilization circumstances will be reviewed by a reviewing committee, which will prioritize the requests based on need and length of residency. The reviewing committee will be comprised of a staff member from each of the Rental Assistance, Community Service, Development Operations, and a Tenant Commissioner. In the event of a tie when voting, the other Tenant Commissioner will be called in to offer a vote.

A transfer is defined as the relocation of a family or individual (as defined in the Admissions and Occupancy Policy) currently residing in Authority property from one dwelling unit to another.

Reassignment or transfers to other dwelling units shall be made without regard to race, color, or national origin.

### 1. Objectives of the Transfer Policy

- a. To fully utilize available housing resources while avoiding overcrowding and underutilization by insuring that each family occupies the appropriately sized unit.
- b. To facilitate humane relocation when required for modernization or other management purposes.
- c. To eliminate vacancy loss and other expense due to unnecessary transfers.

### X.2. Criteria for Evaluating Transfer Requests

#### a. Housekeeping

No tenant is to be transferred if any apartment inspection shows that the apartment is not kept up to satisfactory standards, taking into account family size, length of residency and usual wear and tear of the apartment. Management, together with the tenant, shall make a physical inspection of the unit to determine if any damages exist. Should the apartment be in unsatisfactory physical condition, physical repairs to the apartment should be made and chargeable repairs assessed. The tenant must then enter into a repayment agreement of no less than 10% per month of the assessed value of the chargeable repairs. No transfer will take place until the balance is paid in full. A second inspection will be made after three months to verify that the physical structure has been maintained.

A final inspection will be conducted after transferring with the tenant, to establish the final actual charges. Any charges will be assessed to the tenant's new account for his/her address.

#### A.b. Rent Paying Habits

No tenant will be granted a transfer if any outstanding monies are owed to the Housing Authority including but not limited to sales and service charges. The tenant must have a record of timely rent payment and have had a zero balance for a reasonable time period (approximately 4-6 months). No tenant shall be granted a transfer if rent has been paid late

more than one time or if the tenant has been summoned to court for non-payment of rent during the six months preceding the transfer request.

c. Residency

No tenant request will be entered until the tenant has been in residency at least 12 months. Tenant household shall not have any record of criminal activity. Tenant household must not have been involved in any serious or repeated violations of the lease.

3. Types of Transfers

a. Authority Initiated - The Housing Authority may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management for the following reasons. A resident shall not be transferred to a unit that is not decent, safe, and sanitary or that has not met Housing Quality Standards. Additionally, a resident may refuse a proposed transfer for good cause.

(i) In the event of a fire (not tenant-caused), accident or natural disaster that results in the dwelling unit becoming uninhabitable, the resident will be offered alternative accommodations within the neighborhood if a rentable unit in the appropriate size is available. If the appropriate size is not available, the family may be overhoused but placed on the transfer list with the transfer being accomplished at the appropriate time. If no unit is available within the neighborhood, the family may be transferred to an appropriate unit available at another Housing Authority-owned neighborhood. If the move is to a site where residents purchase all or some utilities, the resident will pay the cost of any deposit required by the utility company.

(ii) When a resident is transferred because the unit has become uninhabitable, the management of the Housing Authority shall determine the cause of the condition of the unit for the purpose of deciding whether relocation assistance may be offered to the resident and whether the transfer shall be considered permanent. Based on this determination, the following actions will be taken:

(a) If the condition of the unit is the fault of the Housing Authority, the resident shall be provided with relocation assistance such as the cartage of household goods, the cost and methods of which are to be determined by management. The resident will normally be offered the opportunity to return to his original unit at his own expense, assuming that the unit can be rehabilitated and is still the appropriate size for the family.

(b) If the condition of the unit is the fault of neither the Housing Authority nor the resident, as in the case of a natural disaster, the Housing Authority may provide such relocation assistance as management deems appropriate. A transfer to a correctly sized apartment will be considered permanent.

(c) If the condition of the unit was caused by the resident, his family or guests, no relocation assistance will be provided and the resident may be charged for all damages to Housing Authority property. A transfer to a correctly sized apartment will be considered permanent.

(iii) If a site requires modernization type work that necessitates vacating apartments, the affected resident will be relocated at the Housing Authority's expense in available

vacant units within the HA, or other programs under the Housing Authority's jurisdiction. If determined feasible by management, the Housing Authority will attempt to relocate affected residents into vacant units within the site. Other decisions related to modernization transfers will be made by the AHA Board of Commissioners and the Executive Director or his/her designee. The Housing Authority may suspend normal transfer procedures to facilitate modernization type activities.

b. Transfers for Approved Medical Reasons

A resident who desires to relocate on advice of a physician for reasons may request a transfer with the AHA, however, the resident must provide the AHA with verification from an approved physician.

c. Transfers to Appropriately Sized Unit

If a tenant's family composition NO LONGER conforms to the Housing Authority's Occupancy standards for the unit occupied, the AHA may require the tenant to move into a unit of appropriate size. This section establishes both that the Housing Authority has an obligation to transfer residents to the appropriately sized unit and that residents are obligated to accept such transfers. These will be made in accordance with the following principles:

- (i) Determination of the correctly sized apartment shall be in accordance with the Housing Authority's Occupancy Standards.
- (ii) Transfers into the appropriately sized unit will be made within the same neighborhood unless that size unit does not exist on the site.
- (iii) The AHA may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contains a leaseholder capable of discharging lease obligations.
- (iv) The number of units offered to a family transferring will be one- (1) offer unless there is a hardship situation as determined by AHA. If the resident refuses the dwelling unit offered, management may terminate the lease.
- (v) Families with children in school being transferred outside their current neighborhood will not be required to move until the current school year is finished if the Housing Authority determined that a transfer would cause a hardship to the family.
- (vi) Transfers shall be made to correct occupancy standards when the Housing Authority has reasonable opportunity to accommodate such a transfer.

d. Transfers for Non-handicapped families living in handicapped designated units.

- (i) The dwelling lease states what type of unit, as designated by Management, which the resident family is residing in. If the unit leased is a handicapped designated unit and the tenant family occupying the unit is not a family with handicapped individuals, the

tenant agrees to transfer to a non-handicapped unit if and when the unit is needed for a handicapped family.

- (ii) The AHA may from time to time have an excess of handicapped accessible units. In an effort to get the best use of all units the AHA may from time to time rent a handicapped designated unit to a family that has no handicapped members. The AHA will advise the family of the requirements to transfer if and when a handicapped designated family is determined eligible. If the family selected for the unit decides not to accept the unit because of the requirement to move at some date in the future, the refusal shall not count against the family.
- (iii) This section establishes both that the Housing Authority has an obligation to transfer non-handicapped residents residing in handicapped designated units to non-handicapped designated units and that the non-handicapped families are obligated to accept such transfers. These will be made in accordance with the following principles:
  - (a) Transfers into a non-handicapped designated unit will be made within the same neighborhood unless that size unit does not exist on the site.
  - (b) Transfers to a non-handicapped designated unit may be made outside of the same neighborhood with tenant consent or unless no vacancies are expected within the same neighborhood within the next 30 days.
  - (c) Management may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contain a legal leaseholder capable of discharging lease obligations.

e. Other Special Relocation:

Other special relocation may be granted and does not require transfer review committee approval:

- (i) as a tenant incentive: any newly renovated or newly constructed units will be offered as an incentive to those residents who are exemplary tenants;
- (ii) as emergency abatement; or
- (iii) for tenant retention: those tenants who have excellent tenant history who wish to move that would not normally meet the transfer criteria. No more than one transfer per development or 1% per calendar year will be approved.

4. Priorities for Transfers

The reviewing committee, as needed, will prioritize the transfer request based on need and length of tenancy. Those in most need and who have lived in the Housing Authority the longest will receive a preference. The requests will be prioritized as follows:



- a. Section 504 eligible - those individuals or families who need a transfer to accommodate their handicap or physical condition.
- b. Urgent/Emergency - conditions exists which present an eminent danger to the health and safety of the tenant (natural disaster, fire, lead paint and/or severe structural deficiencies).
- c. Under/Over Housed
  - (i) Under housed - defined as having more than the maximum number of occupants residing in the dwelling unit as defined in the Admissions and Occupancy Policy. Those tenants will be allowed to remain in their unit until a unit becomes available in the development site
  - (ii) Over housed -. those tenants defined as having less than the minimum number of occupants residing in the dwelling unit as defined in the Admissions and Occupancy Policy.
- d. Medical transfers

The remainder shall be prioritized based on the need established by the AHA. In the case of an involuntary transfer, the date will be that on which management verifies that the change occurred. Management reserves the right to immediately transfer any family who has misrepresented family circumstances or composition. Whenever feasible, transfers will be made within a resident's current dwelling area.

5. Transfer Procedures

- a. To initiate a Tenant Requested transfer, the following information must be submitted to the Site Manager:
  - (i) A completed transfer request form setting forth the reasons for the transfer. Forms shall be maintained on the AHA computer database for up to date statistics.
  - (ii) In cases of medical reasons, a doctor's statement verifying the medical condition and the need for a transfer. Third party verification will be used.
- b. To initiate a Manager Requested transfer, the Manager will complete the transfer request form along with all other documentation and submit the form to the reviewing committee. In these cases the tenant request form may be submitted unsigned.
- c. Staff designated by the Executive Director shall:
  - (i) Prepare and prioritize a transfer list for each neighborhood monthly.
  - (ii) Notify residents by letter of their pending transfers or approval of transfer request.
  - (iii) Determine whether a vacancy is used for transfer or move-in,
  - (iv) Maintain transfer logs and records for audit.
  - (v) Notify residents with pending transfers as their name approaches the top of the list.

- (vi) Conduct homevisits at the current dwelling unit for housekeeping.
  - (vii) Counsel with residents experiencing problems with transfers, assisting hardship cases to find assistance.
  - (viii) Participate in evaluation of requests for transfer based on approved medical reasons.
  - (ix) Issue final offer of vacant apartment as soon as vacant apartment is identified.
  - (x) Issue notice to transfer as soon as vacant apartment is available. This notice will give the resident the move-in date and the transfer must be completed by that date.
  - (xi) Process transfer documents to appropriate AHA staff.
  - (xii) Participate in planning and implementation of special transfer systems for modernization and other similar programs.
  - (xiii) Inspect both apartments involved in the transfer, charging for any resident abuse or damages.
  - (xiv) The resident's security deposit will be transferred to the new dwelling unit, except in section 6 listed below, provided AHA does not claim all or any part of the security deposit. Family pays any additional outstanding charges due related to the former unit. The resident shall pay all or any part of the security deposit required for the new dwelling unit, to either replace or supplement the security deposit from the original dwelling unit, or any balance remaining after any claims are made by AHA.
  - (xv) Family signs new lease.
- b. Only one offer of an apartment will be made to each resident being transferred within his/her own neighborhood. A resident being transferred outside his own neighborhood will be allowed to refuse one offer only. In the case of a family being transferred from a unit which is uninhabitable, incorrectly sized, or scheduled for major repairs, failure to accept the unit offered, or the second unit offered in the case of a transfer outside the neighborhood, will be grounds for termination of the lease. When a person has requested a transfer for approved medical reasons declines the offer of such an apartment, the Housing Authority is not obligated to make any subsequent offers. The Housing Authority will notify the resident in such cases that the Housing Authority has discharged its obligations to the resident, that he remains in the apartment at his own risk, and that the Housing Authority assumes no liability for his condition.
- c. Any resident aggrieved by any action or inaction of the AHA relative to his/her transfer request may file a request for a hearing in accordance with the grievance procedure.

6. Family Transfers Between Federal and State Units

For families moving from a state dwelling unit to a Federal dwelling unit, or vice versa, the security deposit will be refunded to the payee, less any charges to the unit and the family shall be required to pay a new security deposit for the new unit. A recertification will be completed which will result in a new recertification date.

7. Right of Management to Make Exceptions

This policy is to be used as a guide to insure fair and impartial means of assigning units for transfer. It is not intended that this policy shall create a property right or any other type of right for a resident to transfer or refuse transfer. Management reserves the right to make exceptions to this policy, as circumstances require, consistent with applicable regulations of the Department of Housing and Urban Development. Transfer disputes are subject to the grievance procedure.

#### **E. ABANDONMENT OF A UNIT**

The AHA may take possession of the dwelling after resident has moved out. In the absence of actual knowledge of abandonment, it shall be presumed that resident has abandoned the dwelling if resident is absent from the dwelling for a period of ten- (10) days, and resident has not notified AHA in writing in advance of an intended absence, or otherwise as provided in this Agreement. The following criteria will be used in determining if the unit has been abandoned:

- a. Some or all of utilities have been turned off;
- b. A dramatic reduction in utility/electric bills;
- c. Repeated failure to contact the resident;
- d. An excessive number of unclaimed notices or unclaimed mail at the unit.
- e. Incarceration or sentencing of the head of household for more than 30 days;
- f. No personal possessions remaining in the apartment.
- g. Failure to pay rent.
- h. Mail is returned form the post office with a return address.

If the Housing Authority has reasonable cause to determine that the unit has been abandoned, based on the above indicators, a 48-hour notice will be mailed to the unit, informing the resident that the AHA will enter the unit to inspect the unit. After inspecting the unit, a 10-day notice will be mailed to the resident's last known address and next of kin. Furthermore, the Housing Authority will post a ten- (10) day notice at the abandoned unit. The ten-(10) day notice shall inform the participant family of the Housing Authority's intention to terminate the lease and related actions. If the participant family does not respond to the notice within five days, the family's lease will be terminated and the Housing Authority will enter the unit to remove any remaining personal possessions. AHA may remove and dispose of any personal property, left in resident's dwelling or elsewhere on AHA property in accordance with New York State Statutes, after resident has abandoned the dwelling, with the reasonable cost of any storage, removal and/or disposal charged to resident or assessed against resident's security deposit, unless in AHA's sole discretion, it is determined that documentable conditions existed which prevented resident from occupying the dwelling.

## B.F. COMMUNITY SERVICE AND FAMILY SELF-SUFFICIENCY

### 1. Policy Statement

It is the policy of the Housing Authority to enhance and promote economic and social self-sufficiency. As such, the Housing Authority shall provide the following for the enhancement of the economic and social self-sufficiency of assisted families:

- Targeting (mandatory): On an annual basis not less than 40% of dwelling units owned by the Housing Authority shall be occupied by families whose incomes at the time of commencement of occupancy do not exceed 30% of the area median income.
- Cooperation Agreements for Economic Self-Sufficiency (mandatory): The Housing Authority shall enter into cooperation agreements with state, local, and other agencies providing assistance to covered families under welfare or public assistance programs. The cooperation agreements shall facilitate the administration of this policy and the sharing of information regarding rents, income, assistance, or other information that may assist the Housing Authority or welfare or public assistance agency carry out its functions. The Housing Authority shall also seek to include in cooperation agreements with welfare or public assistance agencies provisions to provide for economic self-sufficiency services within the properties owned by the Housing Authority, provide for services designed to meet the unique employment-related needs of residents, and provide for placement of workfare positions on-site.

1.

2. WAGE Center – The Albany Housing Authority’s WAGE Center program is 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 may be needed.

### 3. Community Service and Family Self-Sufficiency Requirement

As a condition of continued occupancy, excluding residents under paragraph 4 below, each adult resident of the Housing Authority shall:

- a. Contribute eight (8) hours per month of community service (not including political activities) within the community in which that adult resides; or,
- b. Participate in an economic self-sufficiency program for eight (8) hours per month.

### 4. Exemptions

Exemptions to paragraph 3 above shall be made for any individual who:

- a. Is 62 years of age or older;
- b. Is a blind or disabled individual defined under section 216(i)(1) or 1614 of the Social Security Act (42 USC 416(i)(1); 1382c) and who is unable to comply with this section, or is a primary caretaker of such individual;
- c. Is engaged in a work activity (as such term is defined in section 407(d) of the Social Security Act (42 USC 607(d), as in effect on and after July 1, 1997)

- d. 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 (42 USC 601 et seq.) or under any other welfare program of the state in which the public housing agency is located, including a state-administered welfare-to-work program; or,
- e. Is in a family receiving assistance under a state program funded under part A of title IV of the Social Security Act (42 USC 601 et seq.) or under any other welfare program of the state in which public housing agency 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.

5. Annual Determinations

For each public housing resident, the Housing Authority shall, thirty (30) days before the expiration of each lease term of the resident, review and determine the compliance of the resident with the requirement under paragraph 3 above. Such determinations shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

6. Noncompliance

If the Housing Authority determines that the resident subject to the requirement under paragraph 3 has not complied with the requirement, the Housing Authority shall notify the resident in writing of such noncompliance. The written notification shall state that the determination of noncompliance is subject to the administrative grievance procedure and that failure by the resident to enter into an agreement, before the expiration of the lease term, to cure any noncompliance by participating in an economic self-sufficiency program for, or contributing to community service, as many additional hours as the resident needs to comply in the aggregate with such requirement over the 12-month term of the lease, may be cause for lease termination.

The Housing Authority shall not renew or extend any lease, or provide any new lease, for a dwelling unit for any household that includes an adult member subject to the requirement under paragraph 3 who has been determined to be in noncompliance with the requirement under paragraph 3 and has failed to attempt to cure the noncompliance.

7. Location of the community service or family self-sufficiency program

Adult residents subject to the requirement under paragraph 3 may participate in a community service or an economic self-sufficiency program at a location not owned by the Housing Authority.

The Housing Authority may provide a community service or an economic self-sufficiency program to meet the requirements of paragraph 3; however, the Housing Authority shall not substitute participation in community service or an economic self-sufficiency program for work performed by an employee of the Housing Authority or supplant a job at any location at which community work requirements are fulfilled.

8. Treatment of Income Changes Resulting from Welfare Program Requirements

This section applies to families that receive benefits for welfare or public assistance from a state or other public agency under a program for which the federal, state, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program.

a. Decreases in Income for Failure to Comply

For families whose welfare or public assistance benefits are reduced because of failure of any family member to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased.

b. Fraud

For families whose welfare or public assistance benefits are reduced because of an act of fraud by member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to fraud.

c. Reduction Based on Time Limit for Assistance

The amount required to be paid as a monthly contribution toward rent by a family whose welfare or public assistance benefits are reduced as a result of the expiration of a lifetime time limit for a family, and not as a result of failure to comply with program requirements, shall be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to expiration of a lifetime time limit.

d. Notice

The Housing Authority shall obtain written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced and cause for reduction prior to redetermination of monthly contribution toward rent.

e. Grievance

Any family affected by sections 8.a and 8.b above shall have the right to review the determination through the Housing Authority's grievance procedure.

## **G. Move-Ins and Move-Outs**

- G.1 Move-Ins – Residents may move into their dwelling units between the hours of 8:30 Am and 4:00 PM, Monday through Fridays, or at such other date and time as provided by the written authorization of the building manager.
- G.2 Move-Outs – Residents who give the required 30-day written notice to vacate may move out between the hours of 8:30 AM and 5:00 PM, Monday through Fridays, or at such other date and time as provided by the written authorization of the building manager.

Residents may not move out before 8:30 AM and after 5:00 PM on any day and may not move out on holidays or Sundays.

Residents will be responsible for the cost of any damages not due to normal wear and tear. Normal wear and tear shall include but not be limited to, minor floor and wall scuffs, loose door handles, other minor repairs that are needed due to age or normal use.

- G.3 Charges – Residents will be charged labor cost per hour plus parts for damages not due to normal wear and tear. These may include but are not limited to broken windows, torn screens, holes in walls, floors, ceilings; authorized wall coverings such as paint, paper, paneling, etc.; damaged or disabled smoke, fire or other emergency alarms, damaged and/or dirty appliances; trash, garbage or other items left in the unit that AHA must dispose of, etc.

Security deposits will be applied to any charges assess as a result of move-out damages if not used towards unpaid rent. Residents will be responsible for any and all charges to their accounts that are due and payable to AHA that are unable to be recovered as a result of an insufficient security deposit.



**HOUSING AUTHORITY**

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part V**

**FRAUD**

## A. FRAUD

If the AHA has reason to believe that a family may have (or had before participating in the public housing programs) committed fraud, bribery, or other corrupt or criminal acts the AHA will take action to determine whether there has been program abuse. Once the AHA determines that fraud has occurred and decides to terminate the lease due to fraud, the AHA will provide the family with a 30-day Notice to Evict. The AHA may require repayment by the family. Further, the AHA shall refer all fraud cases to the Albany Police Department, the Regional Inspector General for Investigation (RIGI) or to other local or state prosecutors with a copy to RIGI for investigation and possible criminal prosecution.

The Housing Authority considers the misrepresentation of income and family circumstances to be a serious lease and policy violation as well as a crime and will take appropriate action if apparent fraud is discovered. Specifically:

1. An applicant family who has misrepresented income or family circumstances may be declared ineligible for housing assistance and housing application for a minimum of three years.
2. If any examination of the tenant's file discloses that the tenant made any misrepresentation (at the time of admission or any previous reexamination date) which resulted in his/her being classified as eligible when in fact he/she was ineligible, the tenant may be required to vacate the apartment even though he/she may be currently eligible.
3. A tenant family who has made misrepresentation of income or family circumstances is subject to both eviction and being declared ineligible for future housing assistance.
4. If it is found that the tenant's misrepresentations resulted in his/her paying a lower Tenant Rent than he/she should have paid, he/she will be required to pay the difference between rent owed and the amount that should have been paid. This amount shall be paid whether or not the tenant remains in occupancy, but failure to pay under terms established by the Housing Authority shall always result in immediate termination of the lease. The Housing Authority reserves the right to demand full payment within seven days.
5. The Housing Authority shall report apparent cases of tenant or applicant fraud to the appropriate government agency. It shall be the policy of the AHA to press state and Federal authorities for prosecution of cases which, in the Housing Authority's judgment, appear to constitute willful and deliberate misrepresentation.

**HOUSING AUTHORITY**

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part VI**

**RENT POLICY**

## A. RENT POLICY

### a.1. Minimum Rental Amount

The Housing Authority shall require families to pay a minimum monthly rental amount of \$50. This minimum rent will not include any amount allowed for tenant-paid utilities. (Section 507 amending Section 3(a)(3) of the U.S. Housing Act)

### 2. Rent Collection

- a. Rent is due on or before the first of each month and is considered late if not paid by the fifth (5<sup>th</sup>) day of the month. Residents shall be mailed a notice of rent due, including the due date. Rent may be pre-paid at any time.
- b. A \$10.00 late charge will be added to the monthly rental payment for any rent or portion thereof, not paid in a timely manner. The late charge will be assessed to the tenant account on the 15<sup>th</sup> of the month.
- c. A 14-Day Notice of Termination will be served on the tenant on the sixth (6th) day of the month if rent is not paid. If the total rental payment due is not paid within the fourteen- (14) days, AHA will issue an unlawful detainer and file in court for all monies due and for possession of the unit. The court agreement will include resident payment of past due rent, late fees, court-filing fees, other charges, and reasonable costs associated with the filing of the eviction. Should the resident fail to appear in court, the AHA will obtain a default warrant and issue the resident a 3-day notice to evict.
- d. If a family is served four- (4) unlawful detainers within a twelve- (12) month period, their lease shall be terminated for chronic rent delinquency.

### 3. Payments After the Delinquency Date

The family may enter into a written agreement with the court to pay back all outstanding indebtedness, including unpaid maintenance charges and retro-rent, plus incurred charges. The option to enter into an agreement shall be solely at the discretion of the Court. Any such agreement must be mutually agreeable to the resident and the AHA. Should the family fail to make payments in accordance with the terms of the agreement to repay, the AHA shall obtain a warrant for eviction and serve the family a 72-hour notice to vacate the family. Should the AHA be required to enforce the terms of the lease agreement through legal action, all related court costs, attorney fees, plus any outstanding indebtedness, will be included in the judgment.

### 4. Retroactive Rent Charges

Retroactive Rent Charges will be assessed as defined by AHA policy.

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5. Vacated Tenants With Balances

Vacated tenants will have thirty- (30) days from the date of the statement of Request for Refund to pay the account or make arrangements for payment. After the expiration of this time period, the Housing Authority will take action to garnish the wages of a working vacated tenant. Other vacated tenants will be reported to the Credit Bureau for collection processing.

6. Terms and Conditions of Payment of Security Deposits

Prior to lease signing, the Housing Authority must receive full payment of the security deposit, which shall be equal to one month's rent. Where the family moves in on other than the first of the month, the family will be expected to pay full rent and the full security deposit at the time of lease execution. The month following move-in, such family will be required to pay a pro-rated rent for the month of move-in.

Families who receive public assistance will be required to submit a Commitment to Pay Security Deposit letter, from the Department of Social Services. In such cases, the Housing Authority will file a claim for the security deposit within 45 days of the family vacating the unit for any past rent due or damage to the unit not attributed to normal wear and tear.

In properties designated for the exclusive occupancy by elderly, handicapped, or disabled persons, the AHA allows the keeping of pets only in accordance with the Housing Authority's Pet Policy.

7. Terms and Conditions of Other Charges in Addition to Rent

The resident agrees to pay for all repairs made to the unit due to resident damage or neglect. Charges are due and payable 14 days following notice. Such charges will be made based on actual cost of labor and materials.

In the event of damages discovered at move-out, the family's paid cash security deposit will be reduced by the amount necessary to execute repairs above "normal wear and tear". Any remaining balance will be refunded to the resident under the following conditions:

- a. the resident leaves a forwarding address or makes arrangements to pick up the deposit in person;
- b. the resident owes no other charges for excess utility consumption, late fees on rental payments, etc.;
- c. the remaining balance will be paid within thirty- (30) days of move-out.

8. Exemption for Hardship Circumstances

The Housing Authority shall immediately grant an exemption from application of the minimum monthly rental amount to any family unable to pay such amount because of financial hardship, which shall include situations in which:

- a. The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be

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entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;

- b. The family would be evicted as a result of the imposition of the minimum rent requirement;
- c. The income of the family has decreased because of changed circumstances, including loss of employment;
- d. A death in the family has occurred.

If resident requests a hardship exemption and the Housing Authority reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident shall not be evicted during the 90-day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the Housing Authority shall retroactively exempt the resident from applicability of the minimum rent requirement for such 90-day period.

Requests for an exemption for financial hardship circumstances must be made to the Assistant Director of Development Operations who will consult with the manager. Evidence of hardship may be requested from the resident applicant.

b.9. Family Choice of Rental Payment

The Housing Authority shall provide two (2) rent options for any public housing dwelling unit owned, assisted, or operated by the Housing Authority:

- a. Flat Rents: The flat rental amount for the dwelling unit shall be based on the rental value of the unit, as determined by the Housing Authority. Flat rents may be updated annually or as needed by AHA. Utility allowances are not applicable to families choosing flat rents; or,
- b. Income Based Rents: The monthly rental amount shall not exceed (up to) 30% of monthly adjusted income or 10% of the gross annual income. Income Based Rents shall not be less than the minimum rental amount.

c.

d.10. Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay rent in the amount equal to the Flat Rent for the dwelling unit, the Housing Authority shall immediately provide for the family to pay rent in the amount equal to Income Based Rent during the period for which such election was made upon a determination that the family is unable to pay the amount determined because of financial hardship, including:

- a. Situations in which the income of the family has decreased because of changed circumstances, loss or reduction of employment, death in the family, and reduction in or loss of income or other assistance;
- b. An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; or,
- c. Such other situations as may be determined by the Housing Authority.

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Families switching rent determination method because of hardship circumstances shall be limited to one (1) rent switch within a twelve- (12) month period. Such rent switches are subject to interim reexamination provisions as detailed in this policy.

(1)11. Encouragement of Self-Sufficiency

It is the policy of the Housing Authority to encourage and reward employment and economic self-sufficiency. As such, the Housing Authority will provide the following as incentives for employment and economic self-sufficiency:

- a) a. Disallowance of earned income from rent determinations: When a family member becomes employed after being unemployed for at least one (1) year, or when income increases during the participation in any family self-sufficiency or job training program, or who is or was assisted under TANF within six (6) months and whose earned income increases, rent shall not increase for twelve (12) months after commencing work.
- b. Disallowance of earned income from rent determinations, the rent payable by the family shall be increased due to continued employment of the family member, except that during the 12-month period beginning upon such expiration, the amount of the increase may not be greater than 50% of the amount of the total rent increase that would be applicable. (Rent may only increase by 50% of what it normally would during the next 12-month period.)

12. Treatment of Income Changes Resulting from Welfare Program Requirements

This section applies to families that receive benefits for welfare or public assistance from a state or other public agency under a program for which the federal, state, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program.

a. Decreases in Income for Failure to Comply

For families whose welfare or public assistance benefits are reduced because of failure of any family member to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased.

b. Fraud

For families whose welfare or public assistance benefits are reduced because of an act of fraud by member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to fraud.

c. Reduction Based on Time Limit for Assistance

The amount required to be paid as a monthly contribution toward rent by a family whose welfare or public assistance benefits are reduced as a result of the expiration of a lifetime time limit for a family, and not as a result of failure to comply with program requirements, shall be

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decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to expiration of a lifetime time limit.

d. Notice

The Housing Authority shall obtain written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced and cause for reduction prior to redetermination of monthly contribution toward rent.

e. Grievance

Any family affected by sections 12.a and 12.b above shall have the right to review the determination through the Housing Authority's grievance procedure.



**APPENDIX A**  
**INCOME LIMITS**

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APPENDIX A  
INCOME LIMITS

INCOME LIMITS ARE PUBLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND MAY BE REVISED ANNUALLY. ANNUAL UPDATES WILL BE AUTOMATICALLY INCLUDED IN THIS POLICY WITHOUT PRIOR RESIDENT NOTICE. INCOME LIMITS WILL BE POSTED AT ALL MANAGEMENT OFFICES AND AT THE CENTRAL ADMINISTRATIVE OFFICE OF THE AUTHORITY AT ALL TIMES.

<b>INCOME LIMITS - Effective 3/2000</b>			
<b># Of Persons in Household</b>	<b>Extremely Low Income (30% of Area Median Income)</b>	<b>Very Low Income (50% of Area Median Income)</b>	<b>Low Income (80% of Area Median Income)</b>
<b>1</b>	<b>10,750</b>	<b>17,950</b>	<b>28,750</b>
<b>2</b>	<b>12,300</b>	<b>20,500</b>	<b>32,850</b>
<b>3</b>	<b>13,850</b>	<b>23,100</b>	<b>36,950</b>
<b>4</b>	<b>15,400</b>	<b>25,650</b>	<b>41,050</b>
<b>5</b>	<b>16,600</b>	<b>27,700</b>	<b>44,300</b>
<b>6</b>	<b>17,850</b>	<b>29,750</b>	<b>47,600</b>
<b>7</b>	<b>19,100</b>	<b>31,800</b>	<b>50,900</b>
<b>8</b>	<b>20,300</b>	<b>33,850</b>	<b>54,150</b>

36 NY 1 ALBANY COUNTY HUD MSA CODE 160 Albany-Schenectady-Troy  
Area Median Income \$51,300

**The above income limits are effective March 2000**

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**APPENDIX B**

**UTILITY ALLOWANCES**

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*Appendix B*

APPENDIX B  
UTILITY ALLOWANCES

EFFECTIVE 7/1/97

BDR	NY 9-1	NY 9-2	NY 9-3	NY 9-11	NY 9-12 (Regular)	NY 9-12 (Large)	NY 9-21
0			\$30				
1	\$38	\$30	\$34				
2	\$51	\$49	\$45	\$154	\$106	\$122	
3	\$59	\$55		\$161	\$129	\$129	
4	\$69	\$68		\$214	\$148	\$170	\$162
5				\$285	\$160	\$190	

**APPENDIX C**  
**GRIEVANCE PROCEDURE**

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**XI.**  
**XII. ALBANY HOUSING AUTHORITY**  
**XIII. - GRIEVANCE PROCEDURE -**

The Albany Housing Authority finds it necessary from time to time to send out a notice to vacate premises for reasons other than non-payment of rent. Tenants who receives a notice to vacate under these circumstances has the right of disclosure that allows the tenant to request and to review all documents relevant to the specific reason(s) for the notice of vacate. Such documents and these records may be copied at the tenant's expense. The Authority will provide the first five- (5) pages of copy free of charge; however, the complainant must pay five cents per page copy thereafter at the time the copies are made.

The U.S. Department of Housing & Urban Development (HUD) has determined that due process protections afforded in the State of New York satisfy the requirement of a grievance hearing, one will not be made available by the Housing Authority for an eviction or termination of tenancy based upon the following:

- a) Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of Albany Housing Authority; and / or off such premises.

Grievance or Complaint

Any dispute with respect to Albany Housing Authority action or failure to act in accordance with lease requirements, or any Albany Housing Authority action or failure to act, involving interpretation or application of the Albany Housing Authority regulations, policies or procedures which affects the rights, duties, welfare or status of the complainant.

Elements of Sound Grievance Procedures

- |                |                           |
|----------------|---------------------------|
| 1. Simple      | 4. Neutral                |
| 2. Independent | 5. Fair                   |
| 3. Unified     | 6. Guarantees Due Process |

Elements of Due Process

1. Adequate notice to all parties of hearing date, time and procedure.
2. Reasonable timing
3. Reasonable accommodation
4. An impartial decision maker
5. Right of both parties to representation
6. Right of both parties to present evidence
7. Right of each to question evidence presented
8. Decision made strictly and solely on the basis of evidence of record.

## GRIEVANCE HEARING PROCEDURE

### First Stage

#### The Submission of a Written Complaint

A Complainant shall be given an opportunity for a hearing with an impartial individual if he/she files a written complaint within ten (10) business days after the alleged grievance, incident, adverse action or failure to act has occurred. Due consideration will be given to any tenant with a disability or handicap that prevents a written request for a hearing. The Authority shall include in its lease termination notice the time period in which the tenant has to request a hearing.

If Complainant is a resident of Albany Housing Authority, the written grievance must be mailed to Executive Director of the Albany Housing Authority.

The written notice shall include a description of the alleged incident, condition, adverse action, or failure to act, where the incident occurred, if applicable, the date of the incident and who was involved. The Complainant shall also state what action is sought from the Authority.

The Complainant at his/her own expense shall retain a copy of the Grievance request. The Grievance should be dated and time of receipt noted upon its receipt at the development office or at the Central Office.

#### Informal Settlement

During the period of presentation of a complaint, a grievance may be informally discussed with management in an effort to settle the complaint without a hearing. If this occurs, all relevant information pertaining to a settlement must be documented in writing and signed by both parties. The summary of such discussion shall be prepared within a reasonable time and one copy shall be given to the tenant and one copy will be retained in the tenant's file. The summary shall specify the names of the participants, dates of meetings, the nature of the proposed disposition of the complaint and the specific reasons therefor, and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied. The informal settlement is not applicable to cases of lease terminations for activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or employees of the Housing Authority or criminal and/or violent or drug-related criminal activities as stated in paragraph 3 of "Basics of Grievance Procedure".

### Second Stage

#### The Request for a Hearing

A written reply, or a reply in a suitable format, to the grievance shall be issued by the appropriate officials within the lesser of ten (10) business days of receipt of notice or (12) twelve days of the mailing date. A copy shall be retained for files. The reply shall specify the proposed action to the complainant and the reason(s) therefore; the right of the complainant to a hearing and the procedure by which a hearing may be obtained.

Should the Complainant be dissatisfied with the reply he/she may request a hearing, in writing. Again, due consideration will be given a tenant who is unable to supply a written request due to a disability or handicap. This request must be made in writing within ten (10) business days of the dated reply and presented to the resident's manager or the Executive Director.

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A hearing shall then be scheduled promptly. The complainant shall be informed in writing, or other suitable format, of the location, date and time of the hearing.

If the complainant does not request a hearing within the time period allowed, he/she then forfeits his/her rights to the hearing and the Albany Housing Authority's proposed action of the grievance becomes final. This shall not prevent the Complainant from contesting the Authority's decision regarding the grievance in a appropriate judicial (court) proceeding.

#### Hearing Officer

The Hearing Officer will be selected by lottery from a pool of pre-screened community and not-for-profit leaders who have indicated a willingness to serve as a hearing officer. Additionally, the Authority will endeavor to work with tenant leaders to perform outreach to identify the Hearing Officer applicant pool. Each potential hearing officer's name will be submitted to all resident organizations for comments. This list will be updated and comment solicited as names are added to the pool. If there occurs any time at which no one on the list is available, the Authority will appoint an impartial employee to serve as the hearing officer. At no time will the appointed employee be the person who made the decision regarding the adverse action or a subordinate of that person.

### Stage Three

#### The Hearing Procedure

- A. All parties shall be entitled to a fair hearing before a Hearing Officer and may choose to be represented by counsel or another person as a representative.
- B. The Hearing shall be private unless the Complainant requests and the Hearing Officer agrees to a public hearing. This shall not limit attendance by persons with a valid interest in the proceedings.
- C. The Complainant may examine before the hearing and at his/her own expense, copies of all documents, records and regulations of the Albany Housing Authority that are directly related to the specific reason(s) for such hearing. If, after the Complainant has requested documentation in advance of the hearing, and if this documentation is not made available at the time of the hearing, the Albany Housing Authority may not rely on said documentation as evidence at the hearing.
- D. All hearings will be recorded (may include tape-recorded), for the purpose of an accurate transcript of the hearing procedures. The Complainant may request, in advance of the hearing date, a copy of the hearing record at his/her own expense.
- E. If a Complainant fails to appear at a hearing without justifiable reason, the Hearing Officer may make a determination that the Complainant has waived his/her right to a hearing. However, this determination by the Hearing Officer shall not constitute a waiver of the Complainant's right to contest the Albany Housing Authority's decision of the grievance in an appropriate judicial proceeding.
- F. At the hearing, the Complainant is required to present his/her evidence first. The burden of

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proof is then on the Albany Housing Authority to justify the action or inaction proposed in reply to the Complainant's grievance. The Complainant may then present evidence and arguments in support of his/her complaint. Evidence relied on by the Albany Housing Authority may be disputed and cross-examined by the Complainant. Hearings conducted by the Hearing Officer shall be informal. The Complainant may present additional evidence to the Hearing Officer that only relates to the alleged grievance.

#### Fourth Stage

##### Decisions of the Hearing Officer

- A. The decision of the Hearing Officer shall be based solely and exclusively upon the facts presented at the hearing and upon applicable Albany Housing Authority policy and HUD regulations. The decision of the Hearing Officer shall be final.
- B. If both parties reach an agreement prior to a hearing date, the parties shall prepare a proposed decision and shall submit the proposed decision to the Hearing Officer for consideration.
- C. The Hearing Officer shall prepare a written decision, including a statement of findings and conclusions, as well as reasons on all material issues raised by both parties. This shall be done within a ten- (10) day period after the date of the hearing. Copies of the decision shall be mailed or delivered to the parties involved.
- D. The written decision of the Hearing Officer with all names and identifying references deleted, shall also be maintained on file by the Albany Housing Authority and made available for inspection.
- E. Any judicial decision or related settlement pertaining to the decision of the Hearing Officer shall also be maintained on file by the Albany Housing Authority and made available for inspection.
- F. If the decision is in favor of the Complainant, the Albany Housing Authority shall promptly take all actions necessary to carry out such decision or refrain from any action prohibited by such decision unless the Board of Commissioners of the Albany Housing Authority determines and notifies the Complainant in writing, within 30 days, that the Hearing Officer has acted arbitrarily or exceeded his/her Authority. In such event, the Hearing Officer's decision may be judicially reviewed.

#### Fifth Stage

##### Appeals from the Hearing Officer Decision

- (a) The hearing officer shall prepare a written decision, together with the reasons therefor, within a reasonable time after the hearing. A copy of the decision shall be sent to the complainant and the PHA. The PHA shall retain a copy of the decision in the tenant's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the PHA and made available for inspection by a prospective complainant, his representative, or the hearing officer.
- (b) The decision of the hearing officer shall be binding on the PHA which shall take all actions, or

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refrain from any actions, necessary to carry out the decision unless the PHA Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of its determination, that:

1. The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA regulations, which adversely affect the complainant's rights, duties, welfare or status;
  2. The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the Annual Contribution Contract (ACC) between HUD and the PHA.
- (a) A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial *de novo* or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

#### A.Sixth Stage

##### Notice to Vacate Premises

If the Hearing Officer decides in favor of the Albany Housing Authority's proposed action, the Authority will send in writing, a formal Notice of Vacate with a specified date. When such Notice to Vacate is given to the resident, he/she must be informed in writing that:

- A. If he/she fails to vacate the premises by the specified date, appropriate judicial action will continue against the tenant.
- B. If the suit is brought against a tenant, she/he may be required to pay court costs and attorney fees incurred.
- C. If he/she chooses to contest the legal action, the Albany Housing Authority must prove that the reason(s) for eviction is/are for good cause under the applicable law, rules and regulations.

**APPENDIX D**

**“ONE STRIKE AND YOU’RE OUT” POLICY**

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*Appendix D*

**ONE STRIKE POLICY  
ADDENDUM TO PUBLIC HOUSING  
ADMISSIONS AND OCCUPANCY POLICY**

**B.I. PURPOSE**

Public and other federally assisted housing is intended to provide a place to live and raise families—not a place to commit crime, use or sell drugs or terrorize neighbors. It is the intention of the Albany Housing Authority (hereinafter referred to as “agency”) to fully endorse and implement a policy, which is designed to:

1. create and maintain a safe and drug-free community;
2. keep our residents free from threats to their personal and family safety;
3. support parental efforts to instill values of personal responsibility and hard work;
4. maintain an environment where children can live safely, learn and grow up to be productive citizens; and
5. assist families in their vocational/educational goals in the pursuit of self-sufficiency

**XIV.II. ADMINISTRATION**

1. All screening and eviction procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or other legally-protected groups, and not to violate right to privacy.
2. To the maximum extent possible, the agency will involve other community and governmental entities, as well as resident organizations, in the promotion and enforcement of this policy.
3. This policy will be posted on the agency’s bulletin board and copies made readily available to residents and /or applicants on request.

**A. SCREENING OF APPLICANTS**

1. In an effort to prevent future violent, drug-related and 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 or agency employees, this agency will endeavor to screen applicants as thoroughly and fairly as possible.
2. Such screening will apply to all members of the household who are 16 years of age or older.
3. Pursuant to the Housing Opportunity Program Extension Act of 1996 a criminal history report will be obtained from the Albany Police Department according to the following procedure:
  - a. For all applicable household members, the agency will submit to APD name, sex, race, and date of birth and social security number.

- b. Based on the identifiers submitted, APD will provide the agency with any criminal history conviction record information and outstanding warrants that are found on the APD Computerized Criminal History database in Albany.
  - c. APS will also search the National Crime Information Center (NCIC) for criminal information outside of Albany. If a record exists, APD will notify the agency that such information was found, but will not provide the agency with a copy of the information.
  - d. If the person disputes or contests the criminal history report received by the agency, this agency may at this time determine that a fingerprint check is necessary.
  - e. In no case will the applicant be charged for the cost of criminal history checks.
1. If information is revealed in the criminal history record that would cause the agency to deny housing to the household, the agency shall provide a copy of the record to the person for whom the record was received.
  2. If the person disputes the information, he/she shall be given an opportunity for an informal hearing according to the agency's hearing procedure outlined in the Admissions and Occupancy Policy.
  3. Evidence of violent, drug-related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall be considered grounds for denial of housing. Drug-related activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance.
  4. Reasonable cause (e.g., information from criminal history report, information from former landlords or neighbors) to believe that a person's pattern of alcohol abuse would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall also be considered grounds for denial of housing.
  5. In both 6 and 7 above, the agency may waive its policy of prohibiting admission if the person demonstrates to the agency's satisfaction that he/she is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
    - a. has successfully completed a supervised rehabilitation program;
    - b. has otherwise been rehabilitated successfully; or
    - c. is currently participating in a supervised rehabilitation program.
  1. Persons evicted from any Public Housing, Indian Housing, Section 23 or any Section 8 Housing Program because of violent, drug-related, or criminal activity are ineligible for admission to public housing for a three (3) year period beginning on the date of such eviction. This may be waived if:
    - a. person demonstrates successful completion of a rehabilitation program approved by the agency; or
    - b. the circumstances leading to the eviction no longer exist. (e.g., the individual involved in drugs is no longer a household member because of incarceration.)
  1. In evaluating evidence of negative past behavior, the agency will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or the likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

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2. If, at any time during occupancy, the agency has reasonable cause (e.g., newspaper articles, credible informants, police reports) to believe that a household member is engaging in violent, drug-related or

other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, the agency may run a subsequent criminal check on that household member.

3. The agency will also order a criminal history on any individual or individuals age 16 years or older who are added to the lease after initial occupancy.
4. By law, the housing authority must permanently deny housing and housing assistance to the any person or persons who have:
  - a. permanent sex offender status (required registry under NYS law).
  - b. felony conviction for the manufacturing or otherwise production of methamphetamines on the premises under Federal or State law.

1. Records Management

- a. All criminal reports received will be maintained confidentially, not misused, or improperly disseminated, and the utmost security will be maintained.
- b. All criminal reports, while needed, will be housed in a locked file with access restricted to individuals responsible for screening and determining eligibility and to the Executive Director.
- c. Misuse of the above information by any employee will be grounds for termination of employment.
- d. If the applicant is determined to be eligible, the criminal history report shall be shredded as soon as the applicant is housed. If the applicant is denied housing, the criminal history report shall be shredded immediately upon completion of the hearing or due process procedures and a final decision has been made.
- e. The agency will document in the applicant's file the circumstances of the criminal report and the date the report was destroyed.

a)

b)B. ENFORCEMENT THROUGH EVICTIONS

1. The provision of this policy shall also be reflected in the terms and conditions of the lease agreement for all residents of public housing. The agency shall enforce this 'one-strike' policy with a "zero-tolerance" position with respect to violent, drug-related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees. Such activity shall be grounds for immediate termination of the lease and eviction.
  - a. Such activity by a household member shall be grounds for eviction, whether committed ON OR OFF THE PREMISES of the agency.
  - b. Such activity by a guest of the household may also be grounds for eviction of the household if such activity occurs ON THE PREMISES of the agency.

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- c. Since eviction is a civil, not criminal matter, a criminal conviction or arrest is not necessary in order to terminate a lease and evict a household; but, the agency shall be responsible for producing evidence strong enough to warrant eviction.
1. A pattern of alcohol abuse, which poses a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, shall also be considered grounds for immediate eviction.
  2. According to Due Process Determination of the Department of Housing and Urban Development, the agency's Grievance Procedure is not applicable for:
    - a. evictions related to any activity, not just criminal activity, which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, including violent activity; or
    - b. evictions related to any drug-related criminal activity ON OR OFF agency premises, not just "on or near" the premises.
    - c. evictions related to a discovery of permanent sex offender status (required registry under NYS law). Such persons will be permanently barred from any housing assistance from the Housing Authority.
    - d. Evictions related to a discovery of felony conviction for the manufacturing or otherwise production of methamphetamines on the premises under Federal or State law. Such persons will be permanently barred from any housing assistance from the Housing Authority.

**APPENDIX E**  
**(Section Reserved)**



**APPENDIX F**

**FLAT RENTS**

APPENDIX F  
AHA FLAT RENTS

BOARD APPROVED JANUARY 2000

	0 BDR	1 BDR	2 BDR	3 BDR	4 BDR	5 BDR
NY 9-1 Whalen		\$295	\$360	\$430	\$475	
NY 9-2 N/A	Rents will be established for public housing units when construction is completed.					
NY 9-3 Steamboat	\$260	\$300(200 & 220) \$325 (20 Renss. & 230)	\$365 (200 & 220) \$400 (duplex units)			
NY 9-4 Lincoln Square		\$295 (1 & 3 Lincoln) \$325 (2 Lincoln)	\$325 (1 & 3 Lincoln) \$375 ( 2 Lincoln)	\$450 (1 Lincoln) \$475 (2 Lincoln)	\$550 (1 Lincoln) \$575 (2 Lincoln)	\$600 (1 Lincoln) \$625 (2 Lincoln)
NY 9-5 Ida Yarbrough		\$295 (small) \$320 (large)		\$475	\$525	\$575
NY 9-7 Westview	\$300	\$350				
NY 9-11 Steamboat Townhouses			\$300	\$350	\$400	\$425
NY 9-12 Steamboat Rehabs			\$400	\$500	\$575	\$625
NY 9-13 Ezra Prentice		\$295 (track-side) \$320 (hill-side)	\$360 (track-side) \$385 (hill-side)	\$450 (track-side) \$475 (hill-side)	\$500 (track-side) \$525 (hill-side)	
NY 9-21 Third Street					\$ 650	

Flat rents reflect the market value of apartments if they were to be rented on the private market. Rates take into consideration whether or not some, all or no utilities are included. Persons choosing flat rents will be required to pay the above-established rent to the Housing Authority. Any utilities non-included in the rent are solely the responsibility of the tenant. There is no reduction in the amount of flat rent by any utility allowance amount.

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**ALBANY HOUSING AUTHORITY**

AGENCY PLAN ATTACHMENT - NY009a03

DEFINITION OF SUBSTANTIAL MODIFICATION TO THE PLAN

For Albany Housing Authority's Agency Plan (5-Year Plan and Annual Statement) substantial deviations or significant amendments or modifications are defined as discretionary changes in the plans or policies of the housing authority that fundamentally change the mission, goals, objectives, or plans of the agency and which require formal approval of the Board of Commissioners.

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## SECTION 8 ADMINISTRATIVE PLAN

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### STATEMENT OF APPROACH

#### ***1.1 ALBANY HOUSING AUTHORITY MISSION STATEMENT***

The mission of The Albany Housing Authority is to lead the community, with professionalism, integrity and spirit in providing quality housing of choice for a diverse population and to partner with the community to maximize social and economic opportunity.

#### ***1.2 SCOPE***

This plan is intended to cover all Section 8 Existing Programs Housing Certificate and Voucher administration, or other applicable Section 8 Programs administered by the Albany Housing Authority.

#### ***1.3 OBJECTIVE***

The overall objective is to permit qualified families to obtain decent, safe, sanitary and affordable housing.

#### ***1.4 GENERAL APPROACH***

The general approach of the program is to inform the community of the service, determine client eligibility, make the characteristics of the rental market known to program participants to enable them to search for housing within program rent levels and housing quality threshold, and to ensure that the program is administered according to HUD rules and regulations regarding the program. In addition, programs are to be administered in a manner consistent with state law.

The Housing Authority shall use all program contracts and forms required by HUD, including the:

- Consolidated Annual Contributions Contract
- Housing Assistance Payment Contract
- Lease language in the addendum

Required contracts and forms shall be word-for-word as required by HUD; HUD headquarters shall approve additions or modifications.



## **2.0 EQUAL OPPORTUNITY**

### **2.1 FAIR HOUSING**

It is the policy of the Albany Housing Authority to comply fully 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 Albany Housing Authority housing programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Albany Housing Authority will provide Federal/State/local information to applicants for and participants in the Section 8 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 Albany Housing Authority office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

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

### **2.2 REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Albany Housing Authority 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 fully 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 the Albany Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Albany Housing Authority will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

### **2.3 COMMUNICATION**

Anyone requesting an application will also receive a Request for Reasonable Accommodation Form.

Notifications of reexamination, inspection, appointment, or termination of assistance will include information about requesting a reasonable accommodation. Any notification requesting action by the participant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests will be in writing.

## **2.4 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION**

- A. Is the requestor a person with disabilities? For this purpose the definition of disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with 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. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Albany Housing Authority will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Albany Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Albany Housing Authority will not inquire as to the nature of the disability.

- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The Albany Housing Authority's business is housing. If the request would alter the fundamental business that the Albany Housing Authority conducts, that would not be reasonable. For instance, the Albany Housing Authority would deny a request to have the Albany Housing Authority do grocery shopping for the person with disabilities.
2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Albany Housing Authority may request a meeting with the individual to investigate and consider equally

effective alternatives.

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

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

The cost necessary to carry out approved requests will be borne by the Albany Housing Authority if there is no one else willing to pay for the modifications. If another party pays for the modification, the Albany Housing Authority will seek to have the same entity pay for any restoration costs.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The Housing Authority does not have responsibility for the owner's unit and does not have responsibility to make the unit accessible.

Any request for an accommodation that would enable a participant to materially violate family obligations will not be approved.

## **2.5 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND PARTICIPANTS**

The Albany Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than English to assist non-English speaking families. The following languages will be covered:

**(Spanish)**

## **2.6 FAMILY/OWNER OUTREACH**

The Albany Housing Authority will publicize the availability and nature of the Section 8 Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons, who cannot or do not read newspapers, the Albany 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 Albany Housing Authority will also try to utilize public service announcements.

The Albany Housing Authority will communicate the status of program availability to other service providers in the community and advise them of housing eligibility factors and guidelines so that they can make proper referral of their clients to the program.

The Albany Housing Authority will hold briefings for owners who participate in or who are seeking information about the Section 8 Program. The briefings will be conducted in association with the Rental Property Owners Association. Owners and managers participating in the Section 8 Program will participate in making this presentation. The briefing is intended to:

- A. Explain how the program works;
- B. Explain how the program benefits owners;
- C. Explain owners' responsibilities under the program. Emphasis is placed on quality screening and ways the Albany Housing Authority helps owners do better screening; and
- D. Provide an opportunity for owners to ask questions, obtain written materials, and meet Albany Housing Authority staff.

The Albany Housing Authority encourages program participation by owners of units outside areas of poverty or minority concentration. The purpose of these activities is to provide more choice and better housing opportunities to families.

The Housing Authority will periodically evaluate demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. Designated Housing Authority staff will initiate outreach to owners of properties in areas outside of poverty or minority concentration. Outreach will include formal and informal discussions and meetings. Printed material about the Section 8 program will be provided to owners. Furthermore, the Housing Authority will grant exception rents for accessible properties and properties in suburban areas outside areas of poverty or minority concentration, if the Housing Authority has jurisdiction in that area.

During the family briefing session, Voucher holders will be informed of the full range of areas where they may lease units inside the Housing Authority's jurisdiction and will be given a list of participating landlords with properties outside areas of poverty or minority concentration. Property lists will be provided in the briefing packet and at the Housing Authority central office.

## **2.7 RIGHT TO PRIVACY**

All adult members of both applicant and participant 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 participant information will not be released unless there is a signed release of information request from the applicant or participant.

## **2.8 *REQUIRED POSTINGS***

The Albany Housing Authority will post in each of its offices in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. The Section 8 Administrative Plan
- B. Notice of the status of the waiting list (opened or closed)
- C. Address of all Albany Housing Authority offices, office hours, telephone numbers, TDD numbers, and hours of operation
- D. Income Limits for Admission
- E. Informal Review and Informal Hearing Procedures
- F. Fair Housing Poster
- G. Equal Opportunity in Employment Poster

## **3.0 *ALBANY HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY***

This Section outlines the responsibilities and obligations of the Albany Housing Authority, the Section 8 Owners/Landlords, and the participating families.

### **3.1 *ALBANY HOUSING AUTHORITY RESPONSIBILITIES***

- A. The Albany Housing Authority will comply with the consolidated ACC, the application, HUD regulations and other requirements, and the Albany Housing Authority Section 8 Administrative Plan.
- B. In administering the program, the Albany Housing Authority must:
  - 1. Publish and disseminate information about the availability and nature of housing assistance under the program;

2. Explain the program to owners and families;
3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;
4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
5. Affirmatively further fair housing goals and comply with equal opportunity requirements;
6. Make efforts to help person with disabilities find satisfactory housing;
7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to families selected;
8. Determine who can live in the assisted unit at admission and during the family's participation in the program;
9. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;
10. Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum;
11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;
12. Determine the amount of the housing assistance payment for a family;
13. Determine the maximum rent to the owner and whether the rent is reasonable;
14. Make timely housing assistance payments to an owner in accordance with the HAP contract;
15. Examine family income, size and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;
16. Establish and adjust Albany Housing Authority utility allowance;

17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the Albany Housing Authority, if the owner defaults (e.g., HQS violation);
18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain Albany Housing Authority decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain Albany Housing Authority decisions concerning participant families;
21. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and
22. Administer an FSS program.

### **3.2 OWNER RESPONSIBILITIES**

- A. The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.
- B. The owner is responsible for:
  1. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
  2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
  3. Complying with equal opportunity requirements.
  4. Preparing and furnishing to the Albany Housing Authority information required under the HAP contract.
  5. Collecting from the family:
    - a. Any security deposit required under the lease.
    - b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment).

- c. Any charges for unit damage by the family.
- 6. Enforcing tenant obligations under the lease.
- 7. Paying for utilities and services (unless paid by the family under the lease.)
- C. For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities see 24 CFR 100.203.
- D. The owner is responsible for notifying the Albany Housing Authority sixty (60) days prior to any rent increase.

### **3.3 OBLIGATIONS OF THE PARTICIPANT**

This Section states the obligations of a participant family under the program.

#### **A. Supplying required information.**

- 1. The family must supply any information that the Albany Housing Authority or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.
- 2. The family must supply any information requested by the Albany Housing Authority 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 and must sign and submit consent forms for obtaining information.
- 4. Any information supplied by the family must be true and complete.

#### **B. HQS breach caused by the Family**

The family is responsible for any HQS breach caused by the family or its guests.

#### **C. Allowing Albany Housing Authority Inspection**

The family must allow the Albany Housing Authority to inspect the unit at reasonable times and after at least 2 days notice.



D. Violation of Lease

The family must not commit any serious or repeated violation of the lease.

E. Family Notice of Move or Lease Termination

The family must notify the Albany Housing Authority and the owner 30 days before the family moves out of the unit or terminates the lease by a notice to the owner.

F. Owner Eviction Notice

The family must promptly give the Albany Housing Authority a copy of any owner eviction notice it receives.

G. Use and Occupancy of the Unit

1. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.
2. The Albany Housing Authority must approve the composition of the assisted family residing in the unit. The family must promptly inform the Albany Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request approval from the Albany Housing Authority to add any other family member as an occupant of the unit. No other person (i.e., no one but members of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided in paragraph (4) of this Section).
3. The family must promptly notify the Albany Housing Authority if any family member no longer resides in the unit.
4. If the Albany Housing Authority has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The Albany Housing Authority has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the Albany Housing Authority consent may be given or denied.
5. 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 for residence by members of the family. Any business uses of the unit must comply with zoning requirements and the affected household member must obtain all appropriate licenses.

6. The family must not sublease or let the unit.
7. The family must not assign the lease or transfer the unit.

H. Absence from the Unit

The family must supply any information or certification requested by the Albany Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Albany Housing Authority requested information or certification on the purposes of family absences. The family must cooperate with the Albany Housing Authority for this purpose. The family must promptly notify the Albany Housing Authority of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 30 days. The family must request permission from the Albany Housing Authority for absences exceeding 30 days. The Albany Housing Authority will make a determination within 5 business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization
2. Absences beyond the control of the family (i.e., death in the family, other family member illness)
3. Other absences that are deemed necessary by the Albany Housing Authority

I. Interest in the Unit

The family may not own or have any interest in the unit (except for owners of manufactured housing renting the manufactured home space).

J. Fraud and Other Program Violation

The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the programs.

K. Crime by Family Members

The members of the family must not engage in drug-related criminal activity or other violent criminal activity.

L. Other Housing Assistance

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.

## 4.0 ELIGIBILITY FOR ADMISSION

### 4.1 INTRODUCTION

There are five eligibility requirements for admission to Section 8 -- 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 the Albany Housing Authority screening criteria in order to be admitted to the Section 8 Program.

### 4.2 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 lives 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 purposes 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.
5. A **displaced family** 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 adult member of a tenant family**.
7. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
8. A **Live-In Attendant**
- a. A family may include a live-in aide provided that such live-in aide:
    - (i) 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,
    - (ii) Is not obligated for the support of the person(s), and
    - (iii) Would not be living in the unit except to provide care for the person(s).
  - a. A live-in aide is treated differently than family members:
    - (i) Income of the live-in aide is not counted for purposes of determining eligibility of benefits.
    - (ii) Live-in aides are not subject to non-citizen rule requirements.
    - (iii) Live-in aides may not be considered as a remaining member of

the tenant family.

- (iv) 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. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly, or disabled.
- a. At any time the Housing Authority may refuse to approve a particular person as a live-in aide, or may withdraw such approval if:
- (i) The person commits fraud, bribery and any other corrupt or criminal act in connection with any federal housing program.
  - (ii) The person commits drug-related criminal activity or violent criminal activity,
  - (iii) The person currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

## B. Income Eligibility

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program be a family that is:
- a. An extremely low-income or a very low-income family;
  - b. A low-income family continuously assisted under the 1937 Housing Act;
  - c. A low-income family that meets additional eligibility criteria specified by the Housing Authority;
  - d. A low-income family that is a non-purchasing tenant in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173;
  - e. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.
  - f. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily

units) project.

2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.
3. The applicable income limit for issuance of a voucher is the highest income limit for the family size for areas within the housing authority's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.
4. Families who are moving into the Albany Housing Authority's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority, must meet the income limit for the area where they were initially assisted under the program.
5. Families who are moving into the Albany Housing Authority's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for the Albany Housing Authority program.
6. Income limit restrictions do not apply to families transferring units within the Albany Housing Authority Section 8 Program.

C. Citizenship/Eligible Immigrant 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)).

Family eligibility for assistance.

1. 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.
2. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 12.6(F) for calculating rents under the noncitizen rule).

3. 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 and the Albany Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the Albany Housing Authority 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.

C. Suitability for tenancy

The Albany Housing Authority determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. The Albany Housing Authority will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. 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. If the individual has lived outside the local area, the Albany Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC).

The Albany Housing Authority will check with the State sex offender registration program and will ban for life any individual who is registered as a lifetime sex offender. In addition, the Housing Authority shall permanently deny from participation any person who has been convicted of manufacturing or otherwise producing methamphetamine in violation of any Federal or State Law.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the Albany Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

## **5.0 MANAGING THE WAITING LIST**

### **5.1 OPENING AND CLOSING OF THE WAITING LIST**

Opening of the waiting list will be announced via public notice that applications for Section 8 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 that such applicants will not lose their place on other waiting lists when they apply for Section 8. The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation, and also by any available minority media.

### **5.2 TAKING APPLICATIONS**

Families wishing to apply for the Section 8 Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at:

**4 Lincoln Square between the hours of 8:30 and 4:30**

Applications are taken to compile a waiting list. Due to the demand for Section 8 assistance in the Albany Housing Authority jurisdiction, the Albany Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

When the waiting list is open, completed applications will be accepted from all applicants. The Albany Housing Authority will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit.

Applications may be made in person at the **Albany Housing Authority, 4 Lincoln Square** on **Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.** Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Albany Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Albany Housing Authority to make special arrangements to complete their application. A Telecommunication Device for the Deaf (TDD) is available for the deaf. **The TDD telephone number for a hearing impaired person to contact a hearing person is 1(800) 662-1220. For hearing persons contacting a hearing impaired person using TDD is 1(800) 421-1220.**

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 including name, address, phone number, family composition and family unit size, racial or ethnic designation of the head of household, income category, and 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, the Albany Housing Authority will make a preliminary determination of eligibility. The Albany Housing Authority will notify the family in writing of the date and time of placement on the waiting list and the approximate amount of time before housing assistance may be offered. If the Albany Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The Albany Housing Authority 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. The Albany Housing Authority will ensure that verification of all preferences, eligibility, suitability selection factors are current in order to determine the family's final eligibility for admission into the Section 8 Program.

### **5.3 ORGANIZATION OF THE WAITING LIST**

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of preference and then in order of date and time of application;
- C. Any contact between the Albany Housing Authority and the applicant will be documented in the applicant file.

Note: The waiting list cannot be maintained by bedroom size under current HUD regulations.

#### **5.4 *FAMILIES NEARING THE TOP OF THE WAITING LIST***

When a family appears to be within 2 months of being offered assistance, 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. The Albany Housing Authority 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.

#### **5.5 *MISSED APPOINTMENTS***

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The Albany Housing Authority will allow the family to reschedule appointments for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities for good cause. When a good cause exists, the Albany Housing Authority 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.

#### **5.6 *PURGING THE WAITING LIST***

The Albany Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents interested families. Purging also enables the Housing Authority to update the information regarding address, family composition, income category and preferences.

#### **5.7 *REMOVAL OF APPLICANTS FROM THE WAITING LIST***

The Albany Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments; or
- C. The applicant does not meet either the eligibility or screening criteria for the program.

## **5.8 GROUND FOR DENIAL**

The Albany Housing Authority will deny assistance to 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. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. 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.
- F. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.
- G. 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;
- H. Have a family member who was evicted from federally assisted housing within the last five (5) years;
- I. Have a family member who was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

- J. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Albany Housing Authority may waive this requirement if:
  - 1. The person demonstrates to the Albany Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - 2. The person has successfully completed a supervised drug or alcohol rehabilitation program;
  - 3. The person has otherwise been rehabilitated successfully; or
  - 4. The person is participating in a supervised drug or alcohol rehabilitation program.
- K. Have engaged in or threatened abusive or violent behavior towards any Albany Housing staff or residents;
- L. Have a family household member who has been terminated under the Certificate or Voucher Program during the last three years;
- M. Have a family member who has been convicted of manufacturing or producing methamphetamine (speed) (Denied for life);
- N. Have a family member with a lifetime registration under a State sex offender registration program (Denied for life).
- O. Is a welfare-to-work (WTW) family who fails to fulfill its obligations under the welfare-to-work voucher program.

## **5.9 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by the Albany Housing Authority, in writing, that they have ten (10) business 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. The Albany Housing Authority's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Albany Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Albany Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the

disability. 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.

### **5.10 *INFORMAL REVIEW***

If the Albany Housing Authority determines that an applicant does not meet the criteria for receiving Section 8 assistance, the Albany Housing Authority 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. The Albany Housing Authority will describe how to obtain the informal review. The informal review process is described in Section 17.2 of this Plan.

## **6.0 SELECTING FAMILIES FROM THE WAITING LIST**

### **6.1 *WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS***

The Housing Authority may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the Albany Housing Authority will use the assistance for those families.

### ***PREFERENCES***

The Albany Housing Authority has a number of vouchers that are set-aside for special programs and preferences will be dictated by the program and addressed in the amendment to the policy for each program.

Consistent with the Albany Housing Authority Agency Plan, The Albany Housing Authority will select all other families based on the following preferences.

#1: Working families, elderly, disabled families

- a. Working families: Families that have at least one adult member that can prove that they have been employed for nine (9) months of the last twelve (12) months. Earned income shall be excluded from income, in accordance with Section 9 of this policy, determination of family income.

- b. Elderly, Disabled Families: Families that have at least one adult member who is 62 years of age or older or are receiving social security disability, supplemental security income benefits, or any other payments based on an individual's inability to work.



#2: Educational or training program participant or graduate

Families that have at least one adult member who is a graduate or active participant in educational or training programs that are designed to prepare individuals for the job market. Verification shall be required from the educational or training program. Income from stipends from educational or training programs shall be excluded from income, in accordance with section 9 of this policy, determination of annual income.

#3: All other families.

The Albany Housing Authority will not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in public housing.

### **6.3 SELECTION FROM THE WAITING LIST**

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2, and preference 2 families will be offered housing before any families in preference 3, and so forth.

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

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), the Albany Housing Authority retains the right to skip higher income families on the waiting to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families on the waiting list.

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.

### **15.3 SPECIAL CIRCUMSTANCES**

#### **a. Split households prior to Voucher Issuance**

When a family on the waiting list splits into two 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 Housing Authority will make the decision of who remains on the waiting list. Documentation must be provided by the applicant families. If either or both of the families do not provide documentation, they may be denied

placement on the waiting list for failure to supply information requested by the Housing Authority.

b. Multiple Families in the same household

Families consisting of two families applying as a family unit will be treated as one family unit.

c. Joint Custody of Children (2 choices)

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. "Fifty-one (51%) of the time" is defined as 183 days of the year, which do not have to run consecutively. The parent must provide documentation of custody.

When both parents are on the waiting list and both are trying to claim the child, the parent whose address is listed on the school records will be allowed to claim the school-age child as a dependent. Otherwise, for children under school age, court orders or other official documentation of custody will be required.

## 7.0 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)

The Albany Housing Authority will issue a voucher for a particular bedroom size – the bedroom size is a factor in determining the family's level of assistance. The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Albany Housing Authority 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 temporarily in foster-care.

Bedroom size will also be determined using the following guidelines:

- A. Children of the same sex will share a bedroom.
- B. Children of the opposite sex, both under the age of five (5) years may share a bedroom.
- C. Children of the same sex that have an age difference of seven (7) years or greater do not have to share a bedroom.
- D. Adults and children will not be required to share a bedroom.
- E. Foster-adults and children will not be required to share a bedroom with family members.
- F. Live-in aides will get a separate bedroom.

The Albany Housing Authority will grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a medical reason why the larger size is necessary.

The family unit size will be determined by the Albany Housing Authority in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

## **7.1 BRIEFING**

When the Albany Housing Authority selects a family from the waiting list, the family will be invited to attend a briefing explaining how the program works. In order to receive a voucher the family is required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the Housing Authority will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the Housing Authority will give primary consideration

to the requests of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location.

The briefing will cover at least the following subjects:

- A. A description of how the program works;
- B. Family and owner responsibilities;
- C. Where the family may rent a unit, including inside and outside the Housing Authority's jurisdiction;
- D. Types of eligible housing;
- E. For families qualified to lease a unit outside the Housing Authority's jurisdiction under portability, an explanation of how portability works;
- F. An explanation of the advantages of living in an area that does not have a high concentration of poor families; and
- G. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard.

## **7.2 PACKET**

During the briefing, the Housing Authority will give the family a packet covering at least the following subjects:

- A. The term of the voucher and the Housing Authority's policy on extensions and suspensions of the term. The packet will include information on how to request an extension and forms for requesting extensions;
- B. How the Housing Authority determines the housing assistance payment and total tenant payment for the family;
- C. Information on the payment standard, exception payment standard rent areas, and the utility allowance schedule;
- D. How the Housing Authority determines the maximum rent for an assisted unit;
- E. Where the family may lease a unit. For families qualified to lease outside the Housing Authority's jurisdiction, the packet includes an explanation of how portability works;

- F. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and a sample contract;
- G. The request for approval of the tenancy form and an explanation of how to request Housing Authority approval of a unit;
- H. A statement of the Housing Authority's policy on providing information to prospective owners. This policy requires applicants to sign disclosure statements allowing the Housing Authority to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses. Upon request, the Housing Authority will also supply any factual information or third party verification relating to the applicant's history as a tenant or their ability to comply with material standard lease terms or any history of drug trafficking, drug-related criminal activity or any violent criminal activity;
- I. Housing Authority's subsidy standards, including when the Housing Authority will consider granting exceptions to the standards;
- J. HUD brochure on how to select a unit ("A Good Place to Live");
- K. HUD-required lead-based paint brochure;
- L. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;
- M. A list of landlords or other parties known to the Albany Housing Authority who may be willing to lease a unit to the family or help the family find a unit;
- N. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the Albany Housing Authority that may be available;
- O. The family's obligations under the program;
- P. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction;
- Q. Albany Housing Authority informal hearing procedures, including when the Housing Authority is required to provide the opportunity for an informal hearing, and information on how to request a hearing; and

- R. The Albany Housing Authority owner information brochure. This brochure can be given by the applicant to a prospective owner to help explain the program.
- S. Information on the Family Self-Sufficiency Program.
- T. Expanding housing opportunities statement.

### **7.3 ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY**

Beginning October 1, 1999, the Albany Housing Authority will issue only vouchers. Treatment of previously issued certificates and vouchers will be dealt with as outlined in Section 23.0 Transition to the New Housing Choice Voucher Program.

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, the Albany Housing Authority will issue the voucher. At this point the family begins their search for a unit.

When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a proposed lease; the HUD required tenancy addendum and the request for approval of the tenancy form. The terms of the HUD tenancy addendum shall prevail over any other provisions of the lease. The family will submit the proposed lease and the request form to the Housing Authority during the term of the voucher. The Housing Authority will review the request, the lease, and the HUD required tenancy addendum and make an initial determination of approval of tenancy. The Housing Authority may assist the family in negotiating changes that may be required for the tenancy to be approved. Once it appears the tenancy may be approved, the Housing Authority will schedule an appointment to inspect the unit within 15 days after the receipt of inspection request from the family and owner. The 15 day period is suspended during any period the unit is unavailable for inspection. The Housing Authority will promptly notify the owner and the family whether the unit and tenancy are approved.

During the initial stage of qualifying the unit, the Housing Authority will provide the prospective owner with information regarding the program. Information will include Housing Authority and owner responsibilities for screening and other essential program elements. The Housing Authority will provide the owner with the family's current and prior address as shown in the Housing Authority records along with the name and address (if known) of the landlords for those addresses.

Additional screening is the responsibility of the owner. Upon request by a prospective owner, the Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with standard material lease terms.

### **7.4 TERM OF THE VOUCHER**

The initial term of the voucher will be 60 days and will be stated on the Housing Choice Voucher.

The Housing Authority may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 120 calendar days from the initial date of issuance without an extraordinary reason. To obtain an extension, the family must make a request in writing prior to

the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. A sample extension request form and a form for recording their search efforts will be included in the family's briefing packet. If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority will grant the length of request sought by the family or 60 days, whichever is less.

If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the full 120 days search time. If the Housing Authority determines that additional search time would be a reasonable accommodation, the Housing Authority will request HUD to approve an additional extension.

Upon submittal of a completed request for approval of tenancy form, the Albany Housing Authority may suspend the term of the voucher. The term may be suspended in the case of documented illness, hospitalization or death in the family, upon request.

## **7.5 APPROVAL TO LEASE A UNIT**

The Albany Housing Authority will approve a lease if all of the following conditions are met:

- A. The request for lease approval (RFLA) is submitted at least three days prior processing of Housing Assistance Payments (HAP) for the owners.
- B. The unit is eligible;
- C. The unit is inspected by the Housing Authority and passes HQS;
- D. The unit is issued a valid residential occupancy permit by the city of Albany;
- C. The lease is approvable and includes the following:
  - 1. The names of the owner and the tenant;
  - 2. The address of the unit rented;
  - 3. The term of the lease (initial term and any provisions for renewal);
  - 4. The amount of the monthly rent to owner;
  - 5. A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family; and
  - 6. The required HUD tenancy addendum.
- F. The rent to owner is reasonable;
- G. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;



- H. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority; and
- I. The family continues to meet all eligibility and screening criteria.

If tenancy approval is denied, the Housing Authority will advise the owner and the family in writing and advise them also of any actions they could take that would enable the Housing Authority to approve the tenancy.

The lease term may begin only after all of the following conditions are met:

- 1. The unit passes the Housing Authority HQS inspection;
- 1. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;
- B 3. The unit has a valid residential occupancy permit issued by the city of Albany;
- 4. The landlord and tenant sign the lease to include the HUD required addendum; and
- 5. The Housing Authority approves the leasing of the unit.

The Housing Authority will prepare the contract when the unit is approved for tenancy. Generally, the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the contract. Upon receipt of the executed lease and the signed contract by the landlord, the Housing Authority will execute the contract. The Housing Authority will not pay any housing assistance to the owner until the contract is executed.

In no case will the contract be executed later than 60 days after the beginning of the lease term.

Any contract executed after the 60-day period will be void and the Housing Authority will not pay housing assistance to the owner.

## **7.6 ALBANY HOUSING AUTHORITY DISAPPROVAL OF OWNER**

The Housing Authority will deny participation by an owner at the direction of HUD. The Housing Authority will also deny the owner's participation for any of the following reasons:

- A. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
- B. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;

- C. The owner has engaged in drug-related criminal activity or any violent criminal activity;
- D. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
- E. The owner has a history or practice of renting units that fail to meet State or local codes;  
or
- F. The owner has not paid State or local real estate taxes, fines, or assessments.
- G. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
  - 1. premises by tenants, Albany Housing Authority employees or owner employees;  
or
  - 2. residences by neighbors;
- H. If the owner is the parent, child, grandparent, grandchild, sister, or brother or any member of the family of an applicant seeking the initial use of a voucher (Currently shopping) unless the Albany Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities; or
- I. Other conflicts of interest under Federal, State or local law.

## **7.7 INELIGIBLE/ELIGIBLE HOUSING**

The following types of housing cannot be assisted under the Section 8 Tenant-Based Program:

- A. A public housing or Indian housing unit;
- B. A unit receiving project-based assistance under a Section 8 Program;
- C. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- D. College or other school dormitories;

- E. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- F. A unit occupied by its owner. This restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space; and
- G. A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.

The Albany Housing Authority will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- A. Congregate housing
- B. Group homes
- C. Shared housing
- D. Cooperative housing
- E. Single room occupancy housing

The Albany Housing Authority will approve leases for the following housing types:

- A. Single family dwellings
- B. Multi-family dwellings
- C. Apartments
- D. Manufactured housing
- E. Manufactured home space rentals

## **7.8 SECURITY DEPOSIT**

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as

reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

## **8.0 MOVES WITH CONTINUED ASSISTANCE**

Participating families are allowed to move to another unit after the initial 12 months has expired, if the landlord and the participant have mutually agreed to terminate the lease, or if the Housing Authority has terminated the HAP contract. The Albany Housing Authority will issue the family a new voucher if the family does not owe the Albany Housing Authority or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a certificate or voucher within the last 12 months, and if the Albany Housing Authority has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, the 12-month requirement will be waived.

### **8.1 *WHEN A FAMILY MAY MOVE***

For families already participating in the Certificate and Voucher Program, the Albany Housing Authority will allow the family to move to a new unit if:

- A. The assisted lease for the old unit has terminated;
- B. The owner has given the tenant a notice to vacate, has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant; or
- C. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner).

### **8.2 *PROCEDURES REGARDING FAMILY MOVES***

Families considering transferring to a new unit will be scheduled to attend a mover's briefing. All families who are moving, including any families moving into or out of the Albany Housing Authority's jurisdiction, will be required to attend a mover's briefing prior to the Albany Housing Authority entering a new HAP contract on their behalf.

This briefing is intended to provide the following:

- A. A refresher on program requirements and the family's responsibilities. Emphasis will be on giving proper notice and meeting all lease requirements such as leaving the unit in good condition;
- B. Information about finding suitable housing and the advantages of moving to an area that does not have a high concentration of poor families;
- C. Payment standards, exception payment standard rent areas, and the utility allowance schedule;
- D. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard;
- E. Portability requirements and opportunities;
- F. The need to have a reexamination conducted within 120 days prior to the move;
- G. An explanation and copies of the forms required to initiate and complete the move; and
- H. All forms and brochures provided to applicants at the initial briefing.

Families are required to give proper written notice of their intent to terminate the lease. In accordance with HUD regulations, no notice requirement may exceed 60 days. During the initial term, families may not end the lease unless they and the owner mutually agree to end the lease. If the family moves from the unit before the initial term of the lease ends without the owner's and the Albany Housing Authority's approval, it will be considered a serious lease violation and subject the family to termination from the program.

The family is required to give the Albany Housing Authority a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to the Albany Housing Authority will be considered a violation of Family Obligations and may cause the family to be terminated from the program.

A family who gives notice to terminate the lease must mail the notice by certified mail or have the landlord or his agent sign a statement stating the date and time received. The family will be required to provide the certified mail receipt and a copy of the lease termination notice to the Albany Housing Authority, or a copy of the lease termination notice and the signed statement stating the date and time the notice was received. If the landlord or his/her agent does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made.

Failure to follow the above procedures may subject the family to termination from the program.

## **9.0 PORTABILITY**

### **9.1 GENERAL POLICIES OF THE ALBANY HOUSING AUTHORITY**

A family whose head or spouse has a domicile (legal residence) or works in the jurisdiction of the Albany Housing Authority at the time the family first submits its application for participation in the program to the Albany Housing Authority may lease a unit anywhere in the jurisdiction of the Albany Housing Authority or outside the Albany Housing Authority jurisdiction as long as there is another entity operating a tenant-based Section 8 program covering the location of the proposed unit.

If the head or spouse of the assisted family does not have a legal residence or work in the jurisdiction of the Albany Housing Authority at the time of its application, the family will not have any right to lease a unit outside of the Albany Housing Authority jurisdiction for a 12-month period beginning when the family is first admitted to the program. During this period, the family may only lease a unit located in the jurisdiction of the Albany Housing Authority.

Families participating in the Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will the Albany Housing Authority allow a participant to improperly break a lease. Under extraordinary circumstances the Albany Housing Authority may consider allowing more than one move in a 12-month period.

Families may only move to a jurisdiction where a Section 8 Program is being administered.

For income targeting purposes, the family will count towards the initial housing authority's goals unless the receiving housing authority absorbs the family. If absorbed, the admission will count towards the receiving housing authority's goals.

If a family has moved out of their assisted unit in violation of the lease, the Albany Housing Authority will not issue a voucher, and will terminate assistance in compliance with Section 17.0, Termination of the Lease and Contract.

### **9.2 INCOME ELIGIBILITY**

- A. A family must be income-eligible in the area where the family first leases a unit with assistance in the Voucher Program.
- B. If a portable family is already a participant in the Initial Housing Authority's Voucher Program, income eligibility is not re-determined.

### **9.3 PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY**

- A. When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must administer assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.
- B. A Housing Authority with jurisdiction in the area where the family wants to lease a unit must issue the family a voucher. If there is more than one such housing authority, the Initial Housing Authority may choose which housing authority shall become the Receiving Housing Authority.

### **9.4 PORTABILITY PROCEDURES**

- A. When the Albany Housing Authority is the Initial Housing Authority:
  - 1. The Albany Housing Authority will brief the family on the process that must take place to exercise portability. The family will be required to attend an applicant or mover's briefing.
  - 2. The Albany Housing Authority will determine whether the family is income-eligible in the area where the family wants to lease a unit (if applicable).
  - 3. The Albany Housing Authority will advise the family how to contact and request assistance from the Receiving Housing Authority.
  - 4. The Albany Housing Authority will, within ten (10) calendar days of receiving request from the family to port, notify the Receiving Housing Authority to expect the family.
  - 5. The Albany Housing Authority will immediately mail to the Receiving Housing Authority the most recent HUD Form 50058 (Family Report) for the family, and related verification information.
- B. When the Albany Housing Authority is the Receiving Housing Authority:
  - 1. When the portable family requests assistance from the Albany Housing Authority, the Albany Housing Authority will within ten (10) calendar days of receiving porting papers, inform the Initial Housing Authority whether it will bill the Initial Housing Authority for assistance on behalf of the portable family, or absorb the family into its own program. When the Albany Housing Authority receives a portable family, the family will be absorbed if funds are available and a voucher will be issued.



2. The Albany Housing Authority will issue a voucher to the family. The term of the Albany Housing Authority's voucher will not expire before the expiration date of any Initial Housing Authority's voucher. The Albany Housing Authority will determine whether to extend the voucher term. The family must submit a request for tenancy approval to the Albany Housing Authority during the term of the Albany Housing Authority's voucher.
3. The Albany Housing Authority will determine the family unit size for the portable family. The family unit size is determined in accordance with the Albany Housing Authority's subsidy standards.
4. The Albany Housing Authority will within ten (10) calendar days of receiving porting papers notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.
5. If the Albany Housing Authority opts to conduct a new reexamination, the Albany Housing Authority will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility.
6. In order to provide tenant-based assistance for portable families, the Albany Housing Authority will perform all Housing Authority program functions, such as reexaminations of family income and composition. At any time, either the Initial Housing Authority or the Albany Housing Authority may make a determination to deny or terminate assistance to the family in accordance with 24 CFR 982.552.
7. The Albany Housing Authority may deny or terminate assistance for family action or inaction in accordance with 24 CFR 982.552 and 24 CFR 982.553.

C. Absorption by the Albany Housing Authority

1. If funding is available under the consolidated ACC for the Albany Housing Authority's Voucher Program when the portable family is received, the Albany Housing Authority will absorb the family into its Voucher Program. After absorption, the family is assisted with funds available under the consolidated ACC for the Albany Housing Authority's Tenant-Based Program.

D. Portability Billing

1. To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees. The billing procedure will be as follows:
  - a. As the Initial Housing Authority, the Albany Housing Authority will promptly reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family. The amount of the housing assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.
  - b. The Initial Housing Authority will promptly reimburse the Receiving Housing Authority for 80% of the Initial Housing Authority's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs and is assisted by the Receiving Housing Authority. If both Housing Authorities agree, we may negotiate a different amount of reimbursement.

E. When a Portable Family Moves

When a portable family moves out of the tenant-based program of a Receiving Housing Authority that has not absorbed the family, the Housing Authority in the new jurisdiction to which the family moves becomes the Receiving Housing Authority, and the first Receiving Housing Authority is no longer required to provide assistance for the family.

## **10.0 DETERMINATION OF FAMILY INCOME**

### ***10.1 INCOME, EXCLUSIONS FROM INCOME, DEDUCTIONS FROM INCOME***

To determine annual income, the Albany Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Albany Housing Authority subtracts out all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

### ***10.2 INCOME***

- A. Annual income means all amounts, monetary or not, that:

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. Are not specifically excluded from annual income.

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 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 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 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.
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. (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.)

5. 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.)
6. Welfare assistance.
  - a. 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:
    - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
    - ii. The maximum amount that the 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.
  - b. 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.
  - c. 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.
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. (Special pay to a member exposed to hostile fire is excluded.)

### **10.3 EXCLUSIONS FROM 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

initiative 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. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
11. 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;
12. 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
13. 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

#### ***10.4 DEDUCTIONS FROM ANNUAL INCOME***

The following deductions will be made from annual income:

- A. \$480 for each member of the family residing in the household (other than the head of the household or his/her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.
- 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 members who are 18 years of age or older 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% 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 is equal to the total of these expenses less 3% of annual income.
- C. Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

## **11.0 VERIFICATION**

The Albany Housing Authority 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, citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

### ***11.1 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 and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.



Other information will be verified by third party verification. This type of verification includes written documentation (with forms sent directly to and received directly from 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 the Albany Housing Authority 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, the Albany Housing Authority will accept documentation received from the applicant/participant. Hand-carried documentation will be accepted if the Albany Housing Authority has been unable to obtain third party verification in a four 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, the Albany Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

## **11.2 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, the Albany Housing Authority will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3<sup>rd</sup> party verification</b>	<b>Hand-carried verification</b>
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if		For high school students, any

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
>18)	Letter from school	document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	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, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less		Original receipt and receipt at

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
than fair market value	N/A	disposition, other evidence of worth
<b>Income</b>		
Earned income	Letter from employer	Minimum of 3 consecutive pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	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	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled - whether training is HUD-funded - whether State or local program - whether it is employment training - whether payments are for out-of-pocket expenses incurred in order to participate in a program	N/A

### **11.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/ eligible noncitizen status of each family member regardless of age must be

determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as birth certificate, military ID or military DD 214 Form.)

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Albany Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Albany Housing Authority also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Albany Housing Authority will mail information to the INS so a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals or eligible noncitizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program.

Any family member who does not choose to declare the status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this Section, the family's admission 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 the Albany Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

#### ***11.4 VERIFICATION OF SOCIAL SECURITY NUMBERS***

Prior to admission, each family member who has a Social Security Number and who is at least six years of age must provide verification of his or her Social Security Number. New family

members at least six 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, the Albany Housing Authority will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, 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. The Albany Housing Authority will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted 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 up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

### ***11.5 TIMING OF VERIFICATION***

Verification must be dated within sixty (60) 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 only those elements reported to have changed.

### ***11.6 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 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.

## **RENT AND HOUSING ASSISTANCE PAYMENT**

### ***12.1 GENERAL***

After October 1, 1999, the Albany Housing Authority will issue only vouchers to applicants, movers, and families entering the jurisdiction through portability. Certificates currently held will continue to be honored until the transition of the merger of the Section 8 Certificate and Voucher programs as outlined in 24 CFR 982.502 is complete (see Section 23.0 for additional guidance).

### ***15.3 REQUEST FOR LEASE APPROVAL***

#### **1. Approval of Request for Lease Approval (RFLA)**

The request will be approved if:

- a. The unit is an eligible type of housing.
- b. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in the Administrative Plan).
- c. The unit has a valid residential occupancy permit issued by the city of Albany.
- d. The rent is reasonable and approvable.
- e. The family's share of the rent does not exceed 40% of their monthly-adjusted income.
- f. The security deposit is approvable in accordance with any limitations in this plan.
- g. The proposed lease complies with HUD and Housing Authority requirements.
- h. The owner is approvable and there are no conflicts of interest.

#### **1. Disapproval of Request For Lease Approval (RFLA)**

If the Housing Authority determines that the RFLA cannot be approved for any reason, the landlord and the family will be notified in writing. The 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) calendar days to submit an approvable Request For Lease approval from the date of disapproval.

When, for any reason a RFLA is not approved, the Housing Authority will furnish another Request for Lease Approval form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

### **12.3 RENT REASONABLENESS**

The Housing Authority will not approve an initial rent or a rent increase in any of the tenant-based programs without determining that the rent amount is reasonable. Reasonableness is determined prior to the initial lease and at the following times:

- A. Before any increase in rent to owner is approved;
- B. If 60 days before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR; and
- C. If the Housing Authority or HUD directs that reasonableness be re-determined.

### **12.4 COMPARABILITY**

In making a rent reasonableness determination, the Housing Authority will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. The Housing Authority will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units.

The Housing Authority will maintain current survey information on rental units in the jurisdiction. The Housing Authority will also obtain from landlord associations and management firms the value of the array of amenities.

The Housing Authority will establish minimum base rent amounts for each unit type and bedroom size. To the base the Housing Authority will be able to add or subtract the dollar value for each characteristic and amenity of a proposed unit.

Owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable the Housing Authority to establish a higher value.

The owner must certify the rents charged for other units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

## **12.5 MAXIMUM SUBSIDY**

The Fair Market Rent (FMR) published by HUD or the exception payment standard rent (requested by the Albany Housing Authority and approved by HUD) determines the maximum subsidy for a family.

For a regular tenancy under the Certificate Program, the FMR/exception rent limit is the maximum initial gross rent under the assisted lease. This only applies until the transition of the merger of the Section 8 Certificate and Voucher programs as outlined in 24 CFR 982.502 is complete.

For the Voucher Program, the minimum payment standard will be 90% of the FMR and the maximum payment standard will be 110% of the FMR without prior approval from HUD, or the exception payment standard approved by HUD.

For a voucher tenancy in an insured or noninsured 236 project, a 515 project of the Rural Development Administration, or a Section 221(d)(3) below market interest rate project the payment standard may not exceed the basic rent charged including the cost of tenant-paid utilities.

For manufactured home space rental, the maximum subsidy under any form of assistance is the Fair Market Rent for the space as outlined in 24 CFR 982.888.

### **12.5.1 Setting The Payment Standard**

The Statute requires that the payment standard be set by the Housing Authority at between 90 and 110% of the FMR without HUD's prior approval. The Albany Housing Authority will review its determination of the payment standard annually after publication of the FMRs. The Albany Housing Authority will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will suffer or that families are having to rent low quality units or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships.

The Albany Housing Authority may establish a payment standard set at 110% of the FMR for families locating housing in census tracts outside the documented high poverty areas.



The Albany Housing Authority may establish a higher payment standard (although still within 110% of the published fair market rent) as a reasonable accommodation for a family that includes people with disabilities.

Payment standards will not be raised solely to allow the renting of luxury quality units.

If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, the Housing Authority will reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for one bedroom size may increase or decrease while another remains unchanged. The Albany Housing Authority may consider adjusting payment standards at times other than the annual review when circumstances warrant.

Before increasing any payment standard, the Housing Authority will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

#### **12.5.2 Selecting the Correct Payment Standard for a Family**

- A. For the voucher tenancy, the payment standard for a family is the lower of:
  - 1. The payment standard for the family unit size; or
  - 2. The payment standard for the unit size rented by the family.
- B. If the unit rented by a family is located in an exception rent area, the Housing Authority will use the appropriate payment standard for the exception rent area.
- C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
  - 1. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
  - 2. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.

- E. If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

### **12.5.3 Area Exception Rents**

In order to help families find housing outside areas of high poverty or when voucher holders are having trouble finding housing for lease under the program, the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types. The exception payment standard area(s) may not contain more than 50% of the population of the FMR area.

When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

### ***ASSISTANCE AND RENT FORMULAS***

- A. Total Tenant Payment

The total tenant payment is equal to the highest of:

1. 10% of monthly income
2. 30% of adjusted monthly income
3. Minimum rent
4. The welfare rent

Plus any rent above the payment standard.

- B. Minimum Rent.

The Albany Housing Authority has set the minimum rent as \$50.00. However, if the family requests a hardship exemption, the Albany Housing Authority will suspend the minimum rent for the family beginning the month following the family's hardship request. The suspension will continue until the Housing Authority can determine whether hardship exists and whether the hardship is of a temporary or long-term nature. During

suspension, the family will not be required to pay a minimum rent and the Housing Assistance Payment will be increased accordingly.

1. A hardship exists in the following circumstances:
  - a. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program;
  - b. When the family would be evicted as a result of the imposition of the minimum rent requirement;
  - c. When the income of the family has decreased because of changed circumstances, including loss of employment;
  - d. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
  - e. When a death has occurred in the family.
2. 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 to the Housing Authority for the time of suspension.
3. Temporary hardship. If the Housing Authority determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will 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 reasonable repayment agreement for any minimum rent back payment paid by the Housing Authority on the family's behalf during the period of suspension.
4. 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.
5. Appeals. The family may use the informal hearing procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the informal hearing procedures.

C. Section 8 Merged Vouchers

1. The payment standard is set by the Housing Authority between 90% and 110% of the FMR or higher or lower with HUD approval.
2. The participant pays the greater of the Total Tenant Payment or the minimum rent, plus the amount by which the gross rent exceeds the payment standard.
2. No participant when initially receiving tenant-based assistance on a unit shall pay more than 40% of their monthly-adjusted income if the gross rent exceeds the applicable payment standard.

D. Section 8 Preservation Vouchers

1. Payment Standard

- a. The payment standard is the lower of:
  - i. The payment standard amount for the appropriate family unit size; or
  - ii. The payment standard amount for the size of the dwelling unit actually rented by the family.
- a. If the dwelling unit is located in an exception area, the Albany Housing Authority will use the appropriate payment standard for the exception area.
- b. During the HAP contract term, the payment standard for the family is the higher of :
  - i. The initial payment standard (at the beginning of the HAP contract term), as determined in accordance with paragraph (1)(a) or (1)(b) of this section, minus any amount by which the initial rent to the owner exceeds the current rent to the owner; or
  - ii. The payment standard as determined in accordance with paragraph (1)(a) or (1)(b) of this section, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- a. At the next regular reexamination following a change in family composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term:

- i. Paragraph (c)(i) of this section does not apply; and
  - ii. The new family unit size must be used to determine the payment standard.
1. The Albany Housing Authority will pay a monthly housing assistance payment on behalf of the family that equals the lesser of:
  - a. The payment standard minus the total tenant payment; or
  - b. The gross rent minus the total tenant payment.

E. Manufactured Home Space Rental: Section 8 Vouchers

1. The payment standard for a participant renting a manufactured home space is the published FMR for rental of a manufactured home space.
2. The space rent is the sum of the following as determined by the Housing Authority:
  - a. Rent to the owner for the manufactured home space;
  - b. Owner maintenance and management charges for the space; and
  - c. Utility allowance for tenant paid utilities.
3. The participant pays the rent to owner less the HAP.
4. HAP equals the lesser of:
  - a. The payment standard minus the total tenant payment; or
  - a. The rent paid for rental of the real property on which the manufactured home owned by the family is located.

F. Rent for Families under the Noncitizen Rule

A mixed family will receive full continuation of assistance if all of the following conditions are met:

1. The family was receiving assistance on June 19, 1995;

2. The family was granted continuation of assistance before November 29, 1996;
3. The family's head or spouse has eligible immigration status; and
4. 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 years. If granted after that date, the maximum period of time for assistance under the provision is 18 months. The Albany Housing Authority will grant each family a period of 6 months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Albany Housing Authority 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:

1. Find the prorated housing assistance payment (HAP) by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members.
2. Obtain the prorated family share by subtracting the prorated HAP from the gross rent (contract rent plus utility allowance).
  1. The prorated tenant rent equals the prorated family share minus the full utility allowance.

### **15.3 CONTRACT EXECUTION**

The Housing Authority shall enter into a Housing Assistance payment (HAP) contract with the property owner. The Housing Assistance Payment Contract is a written contract providing housing assistance payments to the owner on behalf of the eligible family.

Housing Assistance Payment Contract Execution Process:

- (a). The Housing Assistance Payment contract shall be in the form required by HUD.
- (b). The term of the Housing Assistance Payment contract shall begin on the first day of the term of the lease and end on the last day of the term of the lease.
- (c). The Housing Assistance Payment contract shall terminate if the lease terminates.
- (d). The Housing Assistance Payment contract shall state the amount of Contract Rent and define the Housing Authority's and owner's responsibilities under the program.
- (e). When the lease approval process is completed, the Housing Authority shall notify the landlord and family in writing of the lease approval or disapproval.
- (f). The Housing Assistance payment contract shall be executed no later than 60 calendar days from the beginning of the lease term.
- (g). The Housing Authority shall not pay any Housing Assistance payment to the owner until the Housing Assistance Payment contract has been executed.
- (h). If the Housing Assistance payment contract is executed during the period of 60 calendar days from the beginning of the lease term, the Housing Authority shall pay Housing Assistance payment after the execution of the Housing Assistance payment Contract to cover the portion of the lease term before the Housing Assistance payment contract was executed (maximum of 60 days).

- (i). Any Housing Assistance Payment contract executed after the 60-day period is void and the Housing Authority shall not pay any Housing Assistance Payment to the owner.
- (j). The Housing Assistance Payment plus tenant rent shall not be more than the rent to owner. It is the responsibility of the owner to return any overpayment.
- (k). The owner shall not demand or accept any rent payment from the tenant in excess of the calculated tenant rent.

## **12.8 UTILITY ALLOWANCE**

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

The utility allowance schedule is determined 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. In developing the schedule, the Housing Authority uses normal patterns of consumption for the community as a whole and current utility rates.

The Housing Authority reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The Housing Authority maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule. Participants may review this information at any time by making an appointment with the Rental Assistance Department.

The Housing Authority uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the Housing Authority subsidy standards).

At each reexamination, the Housing Authority applies the utility allowance from the most current utility allowance schedule.

The Housing Authority will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner. 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 belong to the tenant.

### ***12.9 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT***

The Housing Authority pays the owner the lesser of the housing assistance payment or the rent to owner. If payments are not made when due, the owner may charge the Albany Housing Authority a late payment, agreed to in the Contract and in accordance with generally accepted practices in the Albany jurisdiction if the following conditions apply:

- A. It is the owner's practice to charge such penalties for assisted and unassisted tenants, and
- B. The owner also charges such penalties against the tenant for late payment of family rent to the owner.

Late charges will not be paid when the reason for the lateness is attributable to factors beyond the control of the Albany Housing Authority.

### ***12.10 CHANGE OF OWNERSHIP***

The Albany Housing Authority requires a written request by the owner who executed the HAP contract in order to make changes regarding who is to receive the Albany Housing Authority's rent payment or the address as to where the rent payment should be sent.

In addition, the Albany Housing Authority requires a written request from the new owner to process a change of ownership. The following documents must accompany the written request:

- A. Deed of Trust showing the transfer of title; and
- B. Tax Identification Number or Social Security Number.

New owners will be required to execute IRS form W-9. The Albany Housing Authority may withhold the rent payment until the taxpayer identification number is received.

## **13.0 INSPECTION POLICIES, HOUSING QUALITY STANDARDS, AND DAMAGE CLAIMS**

The Albany Housing Authority will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Existing Program unless the HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

The Albany Housing Authority must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail. If the family can not be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable the Housing Authority to enter the unit and complete the inspection.

If the family misses the scheduled inspection and fails to reschedule the inspection, the Albany Housing Authority will only schedule one more inspection. If the family misses two inspections, the Albany Housing Authority will consider the family to have violated a Family Obligation and their assistance will be terminated.

### ***13.1 TYPES OF INSPECTIONS***

There are seven types of inspections the Albany Housing Authority will perform:

- A. Initial Inspection - An inspection that must take place to insure that the unit passes HQS before assistance can begin.
- B. Annual Inspection - An inspection to determine that the unit continues to meet HQS.
- C. Complaint Inspection - An inspection caused by the Authority receiving a complaint on the unit by anyone.
- D. Special Inspection - An inspection caused by a third party, i.e. HUD, needing to view the unit.
- E. Emergency - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.
- F. Move Out Inspection (if applicable) - An inspection required for units in service before October 2, 1995, and optional after that date. These inspections document the condition of the unit at the time of the move-out.
- G. Quality Control Inspection - Supervisory inspections on at least 5% of the total number of units that were under lease during the Housing Authority's previous fiscal year.

### ***13.2 OWNER AND FAMILY RESPONSIBILITIES***

- A. Owner Responsibility for HQS
  - 1. The owner must maintain the unit in accordance with HQS.

2. If the owner fails to maintain the dwelling unit in accordance with HQS, the Albany Housing Authority will take prompt and vigorous action to enforce the owner obligations. The Albany Housing Authority's remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.
3. The Albany Housing Authority will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the Albany Housing Authority and the Albany Housing Authority verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects the owner must correct the defect within no more than 30 calendar days (or any Albany Housing Authority approved extension).
4. The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible. Furthermore, the Albany Housing Authority may terminate assistance to a family because of the HQS breach caused by the family.

B. Family Responsibility for HQS

1. The family is responsible for a breach of the HQS that is caused by any of the following:
  - a. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
  - b. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
  - c. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
2. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any Albany Housing Authority approved extension).
3. If the family has caused a breach of the HQS, the Albany Housing Authority will take prompt and vigorous action to enforce the family obligations. The Albany Housing Authority may terminate assistance for the family in accordance with 24 CFR 982.552.

### **13.3 HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401**

This Section states performance and acceptability criteria for these key aspects of the following housing quality standards:

#### **A. Sanitary Facilities**

##### **1. Performance Requirements**

The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

##### **2. Acceptability Criteria**

- a. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- b. The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
- c. The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- d. The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

#### **B. Food Preparation and Refuse Disposal**

##### **1. Performance Requirements**

- a. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
- b. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

##### **2. Acceptability Criteria**

- a. The dwelling unit must have an oven, a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. Either the owner or the family may supply the

equipment. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.

- b. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
- c. The dwelling unit must have space for the storage, preparation, and serving of food.
- d. There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

C. Space and Security

1. Performance Requirement

The dwelling unit must provide adequate space and security for the family.

2. Acceptability Criteria

- a. At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- b. The dwelling unit must have at least one bedroom or living/ sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- c. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- d. The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

D. Thermal Environment

1. Performance Requirement

The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

2. Acceptability Criteria

- a. There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- b. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

E. Illumination and Electricity

1. Performance Requirement

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

2. Acceptability Criteria

- a. There must be at least one window in the living room and in each sleeping room.
- b. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- c. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

F. Structure and Materials

1. Performance Requirement

The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

2. Acceptability Criteria

- a. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- b. The roof must be structurally sound and weather tight.
- c. The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- d. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- e. Elevators must be working and safe.

G. Interior Air Quality

1. Performance Requirement

The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

2. Acceptability Criteria

- a. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
- b. There must be adequate air circulation in the dwelling unit.
- c. Bathroom areas must have one window that can be opened or other adequate exhaust ventilation.
- d. Any room used for sleeping must have at least one window. If the window is designed to be opened, the window must work.

H. Water Supply



1. Performance Requirements

The water supply must be free from contamination.

2. Acceptability Criteria

The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

I. Lead-based Paint

1. Definitions

- a. Chewable surface: Protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age; for example, protruding corners, window sills and frames, doors and frames, and other protruding woodwork.
- b. Component: An element of a residential structure identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.
- c. Defective paint surface: A surface on which the paint is cracking, scaling, chipping, peeling, or loose.
- d. Elevated blood level (EBL): Excessive absorption of lead. Excessive absorption is a confirmed concentration of lead in whole blood of 20 ug/dl (micrograms of lead per deciliter) for a single test or of 15-19 ug/dl in two consecutive tests 3-4 months apart.
- e. HEPA: A high efficiency particle accumulator as used in lead abatement vacuum cleaners.
- f. Lead-based paint: A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 milligram per centimeter squared ( $\text{mg}/\text{cm}^2$ ), or 0.5 % by weight or 5000 parts per million (PPM).

2. Performance Requirements

- a. The purpose of this paragraph of this Section is to implement Section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as practicable the

hazards of lead-based paint poisoning for units assisted under this part. This paragraph is issued under 24 CFR 35.24(b)(4) and supersedes, for all housing to which it applies, the requirements of subpart C of 24 CFR part 35.

- b. The requirements of this paragraph of this Section do not apply to 0-bedroom units, units that are certified by a qualified inspector to be free of lead-based paint, or units designated exclusively for the elderly. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a HAP contract under part 982.
- c. If a dwelling unit constructed before 1978 is occupied by a family that includes a child under the age of six years, the initial and each periodic inspection (as required under this part), must include a visual inspection for defective paint surfaces. If defective paint surfaces are found, such surfaces must be treated in accordance with paragraph k of this Section.
- d. The Housing Authority may exempt from such treatment defective paint surfaces that are found in a report by a qualified lead-based paint inspector not to be lead-based paint, as defined in paragraph 1(f) of this Section. For purposes of this Section, a qualified lead-based paint inspector is a State or local health or housing agency, a lead-based paint inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD.
- e. Treatment of defective paint surfaces required under this Section must be completed within 30 calendar days of Housing Authority notification to the owner. When weather conditions prevent treatment of the defective paint conditions on exterior surfaces within the 30-day period, treatment as required by paragraph k of this Section may be delayed for a reasonable time.
- f. The requirements in this paragraph apply to:
  - i. All painted interior surfaces within the unit (including ceilings but excluding furniture);
  - ii. The entrance and hallway providing access to a unit in a multi-unit building; and
  - iii. Exterior surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age (including

walls, stairs, decks, porches, railings, windows and doors, but excluding outbuildings such as garages and sheds).

- g. In addition to the requirements of paragraph c of this Section, for a dwelling unit constructed before 1978 that is occupied by a family with a child under the age of six years with an identified EBL condition, the initial and each periodic inspection (as required under this part) must include a test for lead-based paint on chewable surfaces. Testing is not required if previous testing of chewable surfaces is negative for lead-based paint or if the chewable surfaces have already been treated.
- h. Testing must be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content must be tested by using an X-ray fluorescence analyzer (XRF) or by laboratory analysis of paint samples. Where lead-based paint on chewable surfaces is identified, treatment of the paint surface in accordance with paragraph k of this Section is required, and treatment shall be completed within the time limits in paragraph (c) of this Section.
- i. The requirements in paragraph (g) of this Section apply to all protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age:
  - i. Within the unit;
  - ii. The entrance and hallway providing access to a unit in a multi-unit building; and
  - iii. Exterior surfaces (including walls, stairs, decks, porches, railings, windows and doors, but excluding outbuildings such as garages and sheds).
- j. In lieu of the procedures set forth in paragraph g of this Section, the Housing Authority may, at its discretion, waive the testing requirement and require the owner to treat all interior and exterior chewable surfaces in accordance with the methods set out in paragraph (k) of this Section.
- k. Treatment of defective paint surfaces and chewable surfaces must consist of covering or removal of the paint in accordance with the following requirements:

- i. A defective paint surface shall be treated if the total area of defective paint on a component is:
  - (1) More than 10 square feet on an exterior wall;
  - (2) More than 2 square feet on an interior or exterior component with a large surface area, excluding exterior walls and including, but not limited to, ceilings, floors, doors, and interior walls;
  - (3) More than 10% of the total surface area on an interior or exterior component with a small surface area, including, but not limited to, windowsills, baseboards and trim.
- ii. Acceptable methods of treatment are the following: removal by wet scraping, wet sanding, chemical stripping on or off site, replacing painted components, scraping with infra-red or coil type heat gun with temperatures below 1100 degrees, HEPA vacuum sanding, HEPA vacuum needle gun, contained hydroblasting or high pressure wash with HEPA vacuum, and abrasive sandblasting with HEPA vacuum. Surfaces must be covered with durable materials with joint edges sealed and caulked as needed to prevent the escape of lead contaminated dust.
- iii. Prohibited methods of removal are the following: open flame burning or torching, machine sanding or grinding without a HEPA exhaust, uncontained hydroblasting or high pressure wash, and dry scraping except around electrical outlets or except when treating defective paint spots no more than two square feet in any one interior room or space (hallway, pantry, etc.) or totaling no more than twenty square feet on exterior surfaces.
- iv. During exterior treatment soil and playground equipment must be protected from contamination.
- v. All treatment procedures must be concluded with a thorough cleaning of all surfaces in the room or area of treatment to remove fine dust particles. Cleanup must be accomplished by wet washing surfaces with a lead solubilizing detergent such as trisodium phosphate or an equivalent solution.

- vi. Waste and debris must be disposed of in accordance with all applicable Federal, State, and local laws.
- l. The owner must take appropriate action to protect residents and their belongings from hazards associated with treatment procedures. Residents must not enter spaces undergoing treatment until cleanup is completed. Personal belongings that are in work areas must be relocated or otherwise protected from contamination.
- m. Prior to execution of the HAP contract, the owner must inform the Housing Authority and the family of any knowledge of the presence of lead-based paint on the surfaces of the residential unit.
- n. The Housing Authority must attempt to obtain annually from local health agencies the names and addresses of children with identified EBLs and must annually match this information with the names and addresses of participants under this part. If a match occurs, the Housing Authority must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead-based paint, the Housing Authority must require the owner to treat the lead-based paint. If the owner does not complete the corrective actions required by this Section, the family must be issued a voucher to move.
- o. The Housing Authority must keep a copy of each inspection report for at least three years. If a dwelling unit requires testing, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the Housing Authority must keep the test results indefinitely and, if applicable, the owner certification and treatment. The records must indicate which chewable surfaces in the dwelling units have been tested and which chewable surfaces were tested or tested and treated in accordance with the standards prescribed in this Section, such chewable surfaces do not have to be tested or treated at any subsequent time.
- p. The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

J. Access

1. Performance Requirements

The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

K. Site and Neighborhood

1. Performance Requirements

The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

2. Acceptability Criteria

The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

L. Sanitary Condition

1. Performance Requirements

The dwelling unit and its equipment must be in sanitary condition.

2. Acceptability Criteria

The dwelling unit and its equipment must be free of vermin and rodent infestation.

M. Smoke Detectors

1. Performance Requirements

a. Except as provided in paragraph b below of this Section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm

system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

- b. For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993, in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

### **13.4 EXCEPTIONS TO THE HQS ACCEPTABILITY CRITERIA**

The Albany Housing Authority will utilize the acceptability criteria as outlined above with applicable State and local codes. Additionally, the Albany Housing Authority has received HUD approval to require the following additional criteria:

- A. In each room, there will be at least one exterior window that can be opened and that contains a screen.
- B. Owners will be required to scrape peeling paint and repaint all surfaces cited for peeling paint with 2 coats of non-lead paint. An extension may be granted as a severe weather related item as defined below.
- C. Adequate heat shall be considered to be 68 degrees.
- D. In units where the tenant must pay for utilities, each unit must have separate metering device(s) for measuring utility consumption.
- E. A ¾" overflow pipe must be present on the hot water heater safety valves and installed down to within 6 inches of the floor.

### **13.5 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS**

- A. Correcting Initial HQS Fail Items

The Albany Housing Authority will schedule a timely inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter (within 5 working days) upon receipt of a Request for Tenancy Approval. The owner and participant will be notified in writing of the results of the inspection. If the unit fails HQS again, the owner and the participant will be advised to notify the Albany

Housing Authority to reschedule a re-inspection when the repairs have been properly completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS requirements.

B. HQS Fail Items for Units under Contract

The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item list below), the owner or participant will be given 24 hours to correct the violations. For less serious failures, the owner or participant will be given up to 30 days to correct the failed item(s).

If the owner fails to correct the HQS failed items after proper notification has been given, the Albany Housing Authority will abate payment and terminate the contract in accordance with Sections 13.7 and 17.0(B)(3).

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the Albany Housing Authority will terminate assistance for the family in accordance with Sections 13.2(B) and 17.0(B)(3).

C. Time Frames for Corrections

1. Emergency repair items must be abated within 24 hours.
2. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be abated within 72 hours.
3. Non-emergency items must be completed within 10 days of the initial inspection.
4. For major repairs, the owner will have up to 30 days to complete.

D. Extensions

At the sole discretion of the Albany Housing Authority, extensions of up to 30 days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. If repairs are not completed within 60 days after the initial inspection date, the Albany Housing Authority will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.



### **13.6 EMERGENCY FAIL ITEMS**

The following items are to be considered examples of emergency items that need to be abated within 24 hours:

- A. No hot or cold water
- B. No electricity
- C. Inability to maintain adequate heat
- D. Major plumbing leak
- E. Natural gas leak
- F. Broken lock(s) on first floor doors or windows
- G. Broken windows that unduly allow weather elements into the unit
- H. Electrical outlet smoking or sparking
- I. Exposed electrical wires which could result in shock or fire
- J. Unusable toilet when only one toilet is present in the unit
- K. Security risks such as broken doors or windows that would allow intrusion
- L. Other conditions which pose an immediate threat to health or safety

### **13.7 ABATEMENT**

When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies, but has failed to do so within the required timeframe, the rent for the dwelling unit will be abated.

The initial abatement period will not exceed 7 days. If the corrections of deficiencies are not made within the 7-day timeframe, the abatement will continue until the HAP contract is terminated. When the deficiencies are corrected, the Albany Housing Authority will end the abatement the day the unit passes inspection. Rent will resume the following day and be paid the first day of the next month.

For tenant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The tenant is held to the same standard and timeframes for correction of deficiencies as owners. If repairs are not completed by the deadline, the Albany Housing Authority will send a notice of termination to both the tenant and the owner. The tenant will be given the opportunity to request an informal hearing.

## **14.0 OWNER CLAIMS FOR DAMAGES, UNPAID RENT, AND VACANCY LOSS AND PARTICIPANT'S ENSUING RESPONSIBILITIES**

This Section only applies to HAP contracts in effect before October 2, 1995. Certificates have a provision for damages, unpaid rent, and vacancy loss. Vouchers have a provision for damages and unpaid rent. No vacancy loss is paid on vouchers. No Damage Claims will be processed unless the Albany Housing Authority has performed a move-out inspection. Either the tenant or the owner can request the move-out inspection. Ultimately, it is the owner's responsibility to request the move-out inspection if he/she believes there may be a claim.

Damage claims are limited in the following manner:

- A. In the Certificate Program, owners are allowed to claim up to two (2) months contract rent minus greater of the security deposit collected or the security deposit that should have been collected under the lease.
- B. In the Voucher Program, owners are allowed to claim up to one (1) month contract rent minus greater of the security deposit collected or the security deposit that should have been collected under the lease. There will be no payment for vacancy losses under the Voucher Program.
- C. No damage claims will be paid under either program, for contracts effective on or after October 2, 1995.

### ***14.1 OWNER CLAIMS FOR PRE-OCTOBER 2, 1995, UNITS***

In accordance with the HAP contract, owners can make special claims for damages, unpaid rent, and vacancy loss (vacancy loss can not be claimed for vouchers) after the tenant has vacated or a proper eviction proceeding has been conducted.

Owner claims for damages, unpaid rent, and vacancy loss are reviewed for accuracy and completeness. Claims are then compared to the move-in and move-out inspections to determine if an actual claim is warranted. No claim will be paid for normal wear and tear. Unpaid utility bills are not an eligible claim item.

The Albany Housing Authority will make payments to owners for approved claims. It should be noted that the tenant is ultimately responsible for any damages, unpaid rent, and vacancy loss paid to the owner and will be held responsible to repay the Albany Housing Authority to remain eligible for the Section 8 Program.

Actual bills and receipts for repairs, materials, and labor must support claims for damages. The Albany Housing Authority will develop a list of reasonable costs and charges for items routinely included on damage claims. This list will be used as a guide.

Owners can claim unpaid rent owned by the tenant up to the date of HAP termination.

In the Certificate Program, owners can claim for a vacancy loss as outlined in the HAP contract. In order to claim a vacancy loss, the owner must notify the Albany Housing Authority immediately upon learning of the vacancy or suspected vacancy. The owner must make a good faith effort to rent the unit as quickly as possible to another renter.

All claims and supporting documentation under this Section must be submitted to the Albany Housing Authority within thirty (30) days of the move-out inspection. Any reimbursement shall be applied first towards any unpaid rent. No reimbursement may be claimed for unpaid rent for the period after the family vacates.

## ***14.2 PARTICIPANT RESPONSIBILITIES***

If a damage claim or unpaid rent claim has been paid to an owner, the participant is responsible for repaying the amount to the Albany Housing Authority. This shall be done by either paying the full amount due immediately upon the Albany Housing Authority requesting it or through a Repayment Agreement that is approved by the Albany Housing Authority.

If the participant is not current on any Repayment Agreements or has unpaid claims on more than one unit, the participant shall be terminated from the program. The participant retains the right to request an informal hearing.

## **RECERTIFICATION**

### ***15.1 CHANGES IN LEASE OR RENT***

If the participant and owner agree to any changes in the lease, all changes must be in writing, and the owner must immediately give the Albany Housing Authority a copy of the changes. The lease, including any changes, must be in accordance with this Administrative Plan.

Owners must notify the Albany Housing Authority of any changes in the amount of the rent at least sixty (60) days before the changes go into effect. Any such changes are subject to the Albany Housing Authority determining them to be reasonable.

Assistance shall not be continued unless the Albany Housing Authority has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner if any of the following changes are made:

- A. Requirements governing participant or owner responsibilities for utilities or appliances;
- B. In the lease terms governing the term of the lease;
- C. If the participant moves to a new unit, even if the unit is in the same building or complex.

The approval of the Albany Housing Authority is not required for changes other than those specified in A, B, or C above.

## **15.2 ANNUAL REEXAMINATION**

At least annually the Albany Housing Authority 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 subsidy is correct based on the family unit size.

Income limits are not used as a test for continued eligibility at reexamination unless the family is moving under portability and changing their form of assistance.

The Albany Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination and scheduling an appointment. This letter will be sent out at least 90 days in advance of the anniversary date. The letter includes 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.

Persons with disabilities who are unable to come the 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.

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, the Albany Housing Authority will determine the family's annual income and will calculate their family share.

The Albany Housing Authority will send a written notification to the owner and tenant when a new family share is determined. No signature of the parties is required.

### **15.2.1 Effective Date Of Rent Changes For Annual Reexaminations**

The new family share will generally be effective upon the anniversary date with 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.

### **15.2.2 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 the Albany Housing Authority taking action to terminate the family's assistance.

### **15.3.4 Failure to Respond to Notification to Reexamination**

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to three (3) days prior to the interview.

If the family does not appear for the reexamination interview, and has not rescheduled or made prior arrangements with the Housing Authority, the Albany Housing Authority will not reschedule a second appointment.

If the family fails to appear for the appointment and has not rescheduled or made prior arrangements, the Housing Authority will send family notice of termination and offer them an informal hearing.

The Tenant Selection Supervisor may make exception to these policies, 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.

### **15.2.4 Documentation and Verification**

The Housing Authority will obtain and document in the tenant file third party verification of the following factors:

- (i) Reported family annual income;
- (ii) The value of assets;
- (iii) Expenses related to deductions from annual income; and
- (iv) Other factors that affect the determination of adjusted income.

If third party verification is not obtained, the Housing Authority will document in the tenant file why third party verification was not obtained for the above factors.

### **15.3 INTERIM REEXAMINATIONS**

During an interim reexamination only the information affected by the changes being reported will be reviewed and verified.

Families will be required to report any increase in income or decreases in allowable expenses within 10 days of the change.

An exception will be made for recipients of Temporary Assistance to Needy Families (TANF) who obtain employment. In such cases, families will have to report within 10 days of receipt of the Notice of Action from TANF that shows the full adjustment for employment income.

Families are required to report the following changes to the Albany Housing Authority between regular reexaminations. These changes will trigger an interim reexamination.

- 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.
- C. Family break-up

In circumstances of a family break-up, the Albany Housing Authority will make a determination of which family member will retain the certificate or voucher, taking into consideration the following factors:

1. To whom the certificate or voucher was issued.
2. The interest of minor children or of ill, elderly, or disabled family members.
3. Whether the assistance should remain with the family members remaining in the unit.
4. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Albany Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program.



Because of the number of possible different circumstances in which a determination will have to be made, the Albany Housing Authority will make determinations on a case by case basis.

The Albany Housing Authority will issue a determination within 10 business days of the request for a determination. The family member requesting the determination may request an informal hearing in compliance with the informal hearings in Section 17.3.

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. The Albany Housing Authority will determine the eligibility of the individual before allowing them to be added 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, the Albany Housing Authority will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.2.2.

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, the Albany Housing Authority will take timely action to process the interim reexamination and recalculate the family share.

#### **15.3.4 Interim Reexamination Policy**

The Albany Housing Authority will conduct interim reexamination adjustments when families have an increase annually of more than \$2,400 in income. Families will be required to report all increases in income/assets and household composition within 10 days of the change.

#### **15.3.2 Special Reexaminations**

If a family's income is too unstable to project for 12 months, including families that temporarily have no income or have a temporary decrease in income, the Albany Housing Authority may schedule special reexaminations every 60 days until the income stabilizes and an annual income can be determined.

### **15.3.3 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.

### **15.3.4 Housing Authority Errors**

If the Albany 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.

## **16.0 TERMINATION OF ASSISTANCE TO THE FAMILY BY THE ALBANY HOUSING AUTHORITY**

The Housing Authority may at any time terminate program assistance for a participant, because of any of the following actions or inaction by the household:

- A. If the family violates any family obligations under the program.
- B. If a family member fails to sign and submit consent forms.
- C. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Albany Housing Authority 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 Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

- D. If any member of the family has ever been evicted from public housing.
- E. If the Housing Authority has ever terminated assistance under the Certificate or Voucher Program for any member of the family.
- F. If any member of the family commits drug-related or violent criminal activity.
- G. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- H. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- I. If the family has not reimbursed any Housing Authority 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.
- J. If the family breaches an agreement with the Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The Housing Authority may prescribe the terms of the agreement.)
- K. If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
- L. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.
- M. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.
- N. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Albany Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- O. If any one in the family is or has been convicted of manufacturing or otherwise producing methamphetamine in violation of any Federal or State Law the Housing Authority is required by law to permanently deny assistance and/or terminate assistance to the entire family.

## 17.0 TERMINATION OF THE LEASE AND CONTRACT

The term of the lease and the term of the HAP contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the tenant, or by the mutual agreement of both. The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the Albany Housing Authority. Under some circumstances the contract automatically terminates.

### 17.1 TERMINATION OF THE LEASE

#### Termination of the Lease

a. By the family

The family may terminate the lease without cause upon proper notice to the owner and to the Albany Housing Authority after the first year of the lease. The length of the notice that is required is stated in the lease (generally 30 days).

b. By the owner.

1. The owner may terminate the lease during its term on the following grounds:

- i. Serious or repeated violations of the terms or conditions of the lease;
- ii. Violation of Federal, State, or local law that impose obligations on the tenant in connection with the occupancy or use of the unit and its premises;
- iii. Criminal activity by the household, a guest, or another person under the control of the household that threatens the health, safety, or right to peaceful enjoyment of the premises by other persons residing in the immediate vicinity of the premises;
- iv. Any drug-related or violent criminal activity on or near the premises;
- v. Other good cause. Other good cause may include, but is not limited to:

- (a) Failure by the family to accept the offer of a new lease;
  - (b) Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
  - (c) The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;
  - (d) A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.
- 2. During the first year the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.
  - 3. The owner may only evict the tenant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner must give the Albany Housing Authority a copy of any owner eviction notice to the tenant at the same time that the owner gives the notice to the tenant.
  - 4. The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family that the lease term will not be renewed.
- c. Termination of the Lease By mutual agreement

The family and the owner may at any time mutually agree to terminate the lease.

## ***17.2. TERMINATION OF THE CONTRACT***

### Termination of the Contract

- a. Automatic termination of the contract
  - 1. If the Albany Housing Authority terminates assistance to the family, the contract terminates automatically.
  - 2. If the family moves out of the unit, the contract terminates automatically.

3. 180 calendar days after the last housing assistance payment to the owner.

b. Termination of the contract by the owner

The owner may only terminate tenancy in accordance with lease and State and local law.

c. Termination of the HAP contract by the Albany Housing Authority

The Housing Authority may terminate the HAP contract because:

1. The Housing Authority has terminated assistance to the family.
2. The unit does not meet HQS space standards because of an increase in family size or change in family composition.
3. The unit is larger than appropriate for the family size or composition under the regular Certificate Program.
4. When the family breaks up and the Albany Housing Authority determines that the family members who move from the unit will continue to receive the assistance.
5. The Albany Housing Authority determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
6. The owner has breached the contract in any of the following ways:
  - i. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.
  - ii. If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act.
  - iii. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
  - iv. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for

the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement;

- v. If the owner has engaged in drug related criminal activity or any violent criminal activity.
- vi. If a welfare-to-work family fails to fulfill its obligations under the welfare-to work voucher program.

d. Final HAP payment to owner

The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority will continue to make payments until the owner obtains a judgment or the family moves out.

### ***17.3 ZERO SUBSIDY TERMINATION***

#### **Zero Subsidy Termination**

For tenants whose subsidy payment is \$0.00, assistance shall be terminated after six (6) months and a Statutory 90 Day Notice shall be issued.

- a. The Housing Authority shall restart Housing Assistance Payments for \$0.00 assistance families if less than 180 days elapsed since last payment; family notifies the housing Authority of income reduction or Gross Rent increase so family's total tenant Payment is not greater than Gross rent; and the family moves to new unit where there is Housing Assistance Payments.
- ii. After 180 days at \$0.00 Housing Assistance Payments, the family must reapply to receive further assistance.

Final HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority will continue to make payments until the owner obtains a judgement or the family moves out.

## **18.0 COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS**

## **18.1 COMPLAINTS**

The Albany Housing Authority will investigate and respond to complaints by participant families, owners, and the general public. The Albany Housing Authority may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated whenever possible.

## **18.2 INFORMAL REVIEW FOR THE APPLICANT**

### **A. Informal Review for the Applicant**

The Albany Housing Authority will give an applicant for participation in the Section 8 Existing Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the Albany Housing Authority decision. The notice will state that the applicant may request an informal review within 10 business days of the denial and will describe how to obtain the informal review.

### **B. When an Informal Review is not required**

The Albany Housing Authority will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. A determination of the family unit size under the Albany Housing Authority subsidy standards.
2. An Albany Housing Authority determination not to approve an extension or suspension of a certificate or voucher term.
3. An Albany Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease.
4. An Albany Housing Authority determination that a unit selected by the applicant is not in compliance with HQS.
5. An Albany Housing Authority determination that the unit is not in accordance with HQS because of family size or composition.
6. General policy issues or class grievances.
7. Discretionary administrative determinations by the Albany Housing Authority.

### **C. Informal Review Process**



The Albany Housing Authority will give an applicant an opportunity for an informal review of the Albany Housing Authority decision denying assistance to the applicant. The procedure is as follows:

1. The review will be conducted by any person or persons designated by the Albany Housing Authority other than the person who made or approved the decision under review or a subordinate of this person.
2. The applicant will be given an opportunity to present written or oral objections to the Albany Housing Authority decision.
3. The Albany Housing Authority will notify the applicant of the Albany Housing Authority decision after the informal review within 14 calendar days. The notification will include a brief statement of the reasons for the final decision.

D. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The 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 will not reside in the unit. The Housing Authority may permit the other members of a participant family to continue receiving assistance.

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the Albany Housing Authority will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or

3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

E. Informal Review Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The applicant family may request that the Albany Housing Authority provide for an informal review after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The applicant 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.

For applicant families, the Informal Review Process above will be utilized with the exception that the applicant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the review.

### **18.3 INFORMAL HEARINGS FOR PARTICIPANTS**

A. When a Hearing is Required

1. The Albany Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Albany Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Albany Housing Authority policies:
  - a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
  - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Albany Housing Authority utility allowance schedule.
  - c. A determination of the family unit size under the Albany Housing Authority subsidy standards.
  - d. A determination that a Certificate Program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Albany Housing Authority subsidy standards, or the Albany Housing Authority determination to deny the family's request for an exception from the standards.

- e. A determination to terminate assistance for a participant family because of the family's action or failure to act.
  - f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Albany Housing Authority policy and HUD rules.
- 2. In cases described in paragraphs 16.3(A)(1)(d), (e), and (f), of this Section, the Albany Housing Authority will give the opportunity for an informal hearing before the Albany Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract.

B. When a Hearing is not required

The Albany Housing Authority will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

- 1. Discretionary administrative determinations by the Albany Housing Authority.
- 2. General policy issues or class grievances.
- 3. Establishment of the Albany Housing Authority schedule of utility allowances for families in the program.
- 4. An Albany Housing Authority determination not to approve an extension or suspension of a certificate or voucher term.
- 5. An Albany Housing Authority determination not to approve a unit or lease.
- 6. An Albany Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Albany Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
- 7. An Albany Housing Authority determination that the unit is not in accordance with HQS because of the family size.
- 8. A determination by the Albany Housing Authority to exercise or not exercise any right or remedy against the owner under a HAP contract.

C. Notice to the Family

1. In the cases described in paragraphs 16.3(A)(1)(a), (b), and (c), of this Section, the Albany Housing Authority will notify the family that the family may ask for an explanation of the basis of the Albany Housing Authority's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
2. In the cases described in paragraphs 16.3(A)(1)(d), (e), and (f), of this Section, the Albany Housing Authority will give the family prompt written notice that the family may request a hearing within 10 business days of the notification. The notice will:
  - a. Contain a brief statement of the reasons for the decision; and
  - b. State this if the family does not agree with the decision, the family may request an informal hearing on the decision within 10 business days of the notification.

D. Hearing Procedures

The Albany Housing Authority and participants will adhere to the following procedures:

1. Discovery
  - a. The family will be given the opportunity to examine before the hearing any Albany Housing Authority documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If the Albany Housing Authority does not make the document(s) available for examination on request of the family, the Albany Housing Authority may not rely on the document at the hearing.
  - b. The Albany Housing Authority will be given the opportunity to examine, at the Albany Housing Authority's offices before the hearing, any family documents that are directly relevant to the hearing. The Albany Housing Authority will be allowed to copy any such document at the Albany Housing Authority's expense. If the family does not make the document(s) available for examination on request of the Albany Housing Authority, the family may not rely on the document(s) at the hearing.

Note: The term **document** includes records and regulations.
2. Representation of the Family

At its own expense, a lawyer or other representative may represent the family.

3. Hearing Officer

- a. The hearing will be conducted by any person or persons designated by the Albany Housing Authority, other than a person who made or approved the decision under review or a subordinate of this person.
- b. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the Albany Housing Authority hearing procedures.

4. Evidence

The Albany Housing Authority and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. Issuance of Decision

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

6. Effect of the Decision

The Albany Housing Authority is not bound by a hearing decision:

- a. Concerning a matter for which the Albany Housing Authority is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the Albany Housing Authority hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- c. If the Albany Housing Authority determines that it is not bound by a hearing decision, the Albany Housing Authority will notify the family within 14 calendar days of the determination, and of the reasons for the determination.

E. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The 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 will not reside in the unit. The Housing Authority may permit the other members of a participant family to continue receiving assistance.

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the Albany Housing Authority will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

F. Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that the Albany 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.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision.

## **19.0 CHARGES AGAINST THE SECTION 8 ADMINISTRATIVE FEE RESERVE**

Occasionally, it is necessary for the Albany Housing Authority to spend money from its Section 8 Administrative Fee Reserve to meet unseen or extraordinary expenditures or for its other housing related purposes consistent with State law.

The Albany Housing Authority Board of Commissioners authorizes the Executive Director to expend without prior Board approval up to **(\$10,000)** for authorized expenditures.

Any item(s) exceeding **(\$10,000)** will require prior Board of Commissioner approval before any charge is made against the Section 8 Administrative Fee Reserve.

## **INTELLECTUAL PROPERTY RIGHTS**

No program receipts may be used to indemnify contractors or subcontractors of the Albany Housing Authority against costs associated with any judgement of infringement of intellectual property rights.

## **21.0 ALBANY HOUSING AUTHORITY OWNED HOUSING**

Units owned by the Albany Housing Authority and not receiving subsidy under any other program are eligible housing units for Housing Choice Voucher holders. In order to comply with Federal regulation, the Albany Housing Authority will do the following:

- A. The Albany Housing Authority will make available through the briefing process both orally and in writing the availability of Albany Housing Authority owned units (notification will also include other properties owned/managed by the private sector available to Housing Choice Voucher holders).
- B. The Albany Housing Authority will obtain the services of an independent entity to perform the following Albany Housing Authority functions:
  - 1. Determine rent reasonableness for the unit. The independent entity will communicate the rent reasonableness determination to the family and the Albany Housing Authority.
  - 2. To assist the family in negotiating the rent.
  - 3. To inspect the unit for compliance with HQS.

- A. The Albany Housing Authority will gain HUD approval for the independent agency/agencies utilized to perform the above functions
- B. The Albany Housing Authority will compensate the independent agency/agencies from our ongoing administrative fee income.
- E. The Albany Housing Authority, or the independent agency/agencies will not charge the family any fee or charge for the services provided by the independent agency.

## **22.0 QUALITY CONTROL OF SECTION 8 PROGRAM**

In order to maintain the appropriate quality standards for the Section 8 program, the Albany Housing Authority will annually review files and records to determine if the work documented in the files or records conforms to program requirements. This shall be accomplished by a supervisor or another qualified person other than the one originally responsible for the work or someone subordinate to that person. The number of files and/or records checked shall be at least equal to the number specified in the Section 8 Management Assessment Program for our size housing authority.

## **23.0 TRANSITION TO THE NEW HOUSING CHOICE VOUCHER PROGRAM**

- A. New HAP Contracts

On and after October 1, 1999, the Albany Housing Authority will only enter into a HAP contract for a tenancy under the voucher program, and will not enter into a new HAP contract for a tenancy under the certificate program.

- B. Over-FMR Tenancy

If the Albany Housing Authority had entered into any HAP contract for an over-FMR tenancy under the certificate program prior to the merger date of October 1, 1999, on and after October 1, 1999 such tenancy shall be considered and treated as a tenancy under the voucher program, and will be subject to the voucher program requirements under 24 CFR 982.502, including calculation of the voucher housing assistance payment in accordance with 24 CFR 982.505. However, 24 CFR 982.505(b)(2) will not be applicable for calculation of the housing assistance payment prior to the effective date of the second regular reexamination of family income and composition on or after the merger date of October 1, 1999.

- C. Voucher Tenancy



If the Albany Housing Authority had entered into any HAP contract for a voucher tenancy prior to the merger date of October 1, 1999, on and after October 1, 1999 such tenancy will continue to be considered and treated as a tenancy under the voucher program, and will be subject to the voucher program requirements under 24 CFR 982.502, including calculation of the voucher housing assistance payment in accordance with 24 CFR 982.505. However, 24 CFR 982.505(b) (2) will not be applicable for calculation of the housing assistance payment prior to the effective date of the second regular reexamination of family income and composition on or after the merger date of October 1, 1999.

D. Regular Certificate Tenancy

The Albany Housing Authority will terminate program assistance under any outstanding HAP contract for a regular tenancy under the certificate program entered into prior to the merger date of October 1, 1999 at the effective date of the second regular reexamination of family income and composition on or after the merger date of October 1, 1999. Upon such termination of assistance, the HAP contract for such tenancy terminates automatically. The Albany Housing Authority will give at least 120 days written notice of such termination to the family and the owner, and the Albany Housing Authority will offer the family the opportunity for continued tenant-based assistance under the voucher program. The Albany Housing Authority may deny the family the opportunity for continued assistance in accordance with 24 CFR 982.552 and 24 CFR 982.553. A Housing Choice Voucher will be issued sooner if requested jointly by the owner and the family.

## GLOSSARY

**1937 Housing Act:** The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.]

**Absorption:** In portability, the point at which a receiving housing authority stops billing the initial housing authority for assistance on behalf of a portable family. [24 CFR 982.4]

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which tenant rent is based.

**Administrative fee:** Fee paid by HUD to the housing authority for the administration of the program.

**Administrative Plan:** The plan that describes housing authority policies for the administration of the tenant-based programs.

**Admission:** The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP Contract for a family (first day of initial lease term).

**Adult:** A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An adult must have the legal capacity to enter a lease under State and local law.

**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.

**Amortization Payment:** In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home. If furniture was included in the purchase price, the debt service must be reduced by 15% to exclude the cost of the furniture. The amortization cost is the initial financing, not refinancing. Set-up charges may be included in the monthly amortization payment.

**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.

**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.
- d. Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access.

**Applicant (applicant family):** A family that has applied for admission to a program but is not yet a participant in the program.

**Assets:** see net family assets.

**Asset Income:** Income received from assets held by household 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.

**Assisted lease (lease):** A written agreement between an owner and a family for the leasing of a dwelling unit to the family. 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 housing authority.

**Certificate:** A document issued by a housing authority to a family selected for admission to the Certificate Program. The certificate describes the program and the procedures for housing authority approval of a unit selected by the family. The certificate also states the obligations of the family under the program.

**Certification:** The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

**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.

**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 childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

**Citizen:** A citizen or national of the United States.

**Common space:** In shared housing: Space available for use by the assisted family and other occupants of the unit.

**Congregate housing:** Housing for elderly or persons with disabilities that meets the HQS for congregate housing.

**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.

**Contiguous MSA:** In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial housing authority 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 Voucher Program.

**Cooperative:** Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.

**Domicile:** The legal residence of the household head or spouse as determined in accordance with State and local law.

**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.

**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.

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

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

**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.

**Displaced person:** 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.

**Drug related criminal activity:** Illegal use or personal use of a controlled substance, and the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance.

**Drug trafficking:** The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance.

**Elderly family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; or 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.

**Elderly person:** A person who is at least 62 years of age.

**Evidence of citizenship or eligible status:** The documents that must be submitted to evidence citizenship or eligible immigration status.

**Exception rent:** An amount that exceeds the published fair market rent.

**Extremely low-income families:** Family whose income is between 0 and 30 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. HUD has set the one-person 30% of median income limit at least as high as the State SSI benefit level.

**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.).

**Fair market rent (FMR):** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMR's are published periodically in the Federal Register.

**Family** includes but is not limited to:

- a. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- 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, or a person with disabilities, or the remaining member of a tenant family.

**Family members:** include all household members except 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 HUD-50058 form.

**Family Rent to Owner:** In the voucher program, the portion of rent to owner paid by the family.

**Family self-sufficiency program (FSS program):** The program established by a housing authority to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

**Family share:** The portion of rent and utilities paid by the family or the gross rent minus the amount of the housing assistance payment.

**Family unit size:** The appropriate number of bedrooms for a family as determined by the housing authority under the housing authority's subsidy standards.

**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.

**FMR/exception rent limit:** The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. For a tenancy in the Voucher Program, the housing authority may adopt a payment standard up to the FMR/exception rent limit.

**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.

**Gross rent:** The sum of the rent to the owner plus any utilities.

**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).

**Head of household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

**Household members:** include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children and foster adults.

**Housing Assistance Payment (HAP):** The monthly assistance by a housing authority, which includes (1) a payment to the owner for rent to the owner under the family's lease, and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

**Housing quality standards (HQS):** The HUD minimum quality standards for housing assisted under the Section 8 program.

**Housing voucher:** A document issued by a housing authority to a family selected for admission to the Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

**Housing voucher holder:** A family that has an unexpired housing voucher.

**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 in determining annual income.

**Income category:** Designates a family's income range. There are three categories: low income, very low income and extremely low-income.

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

**Initial Housing Authority:** In portability, both: (1) a housing authority that originally selected a family that later decides to move out of the jurisdiction of the selecting housing authority; and (2) a housing authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing housing authority.

**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 initial lease term.

**Interim (examination):** A reexamination of a household's income, expenses, and household status conducted between the annual recertifications when a change in a household's circumstances warrant such a reexamination.

**Jurisdiction:** The area in which the housing authority has authority under State and local law to administer the program.

**Lease:** A written agreement between an owner and 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 housing authority.

**Legal capacity:** The participant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

**Live-in aide:** A person who resides with one or more elderly persons, or 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.

**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. *[1937Act)*

**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.

**Manufacture 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.

**Medical expenses:** 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.

**Mixed family:** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

**Moderate rehabilitation:** Rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

- a. upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance); or
- b. repair or replace major building systems or components in danger of failure.

**Monthly adjusted income:** One twelfth of adjusted income.

**Monthly income:** One twelfth of annual income.

**Mutual housing** is included in the definition of "cooperative".

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**Near-elderly family:** 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; or 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.

**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 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.

**Noncitizen:** A person who is neither a citizen nor national of the United States.

**Notice Of Funding Availability (NOFA):** For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance, and the criteria for awarding the funding.

**Occupancy standards:** The standards that the housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Owner:** Any person or entity, including a cooperative, having the legal right to lease or sublease existing housing.

**Participant (participant family):** A family that has been admitted to the housing authority's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the housing authority for the family (first day of initial lease).

**Payment standard:** In a voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

**Person with disabilities:** A person who:

- a. Has a disability as defined in Section 223 of the Social Security Act,

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable 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."

- 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 Section 102(7) of the of the Developmental Disabilities Assistance and Bill of Rights Act.

"Severe chronic disability that:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age 22;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
- (5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

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.

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

**Portability:** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial housing authority.

**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.

**Preservation:** This program encourages owners of eligible multifamily housing projects to preserve low-income housing affordability and availability while reducing the long-term cost of providing rental assistance. The program offers several approaches to restructuring the debt of properties developed with project-based Section 8 assistance whose HAP contracts are about to expire.

**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.

**Public Housing Agency:** A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

**Reasonable rent:** A rent to owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted unit in the premises.

**Receiving Housing Authority:** In portability, a housing authority that receives a family selected for participation in the tenant-based program of another housing authority. The receiving housing authority issues a certificate or voucher, and provides program assistance to the family.

**Re-certification:** A reexamination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

**Remaining member of a tenant family:** A member of the family listed on the lease who continues to live in an assisted household after all other family members have left.

**Rent to owner:** The monthly rent payable to the owner under the lease. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

**Set-up charges:** In a manufactured home space rental, charges payable by the family for assembly, skirting and anchoring the manufactured home.

**Shared housing:** A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.

**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 person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

**Single room occupancy housing (SRO):** A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

**Special admission:** Admission of an applicant that is not on the housing authority waiting list, or admission without considering the applicant's waiting list position.

**Special housing types:** Special housing types include: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

**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.

**Statement of family responsibility:** An agreement in the form prescribed by HUD, between the housing authority and a family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

**Subsidy standards:** Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

**Suspension:** Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the housing authority, from the time when the family submits a request for housing authority approval to lease a unit, until the time when the housing authority approves or denies the request. Also referred to as tolling.

**Tenant:** The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

**Third-party (verification):** Oral or written confirmation of a household's income, expenses, or household composition provided by a source outside the household, such as an employer, doctor, school official, etc.

**Tolling:** see suspension.

**Total tenant payment (TTP):**

- (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;
  - c. Minimum rent; or
  - d. 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.
- (2) 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.

**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 or approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

**Utility hook-up charge:** In a manufactured home space rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

**Utility reimbursement:** In the voucher program, the portion of the housing assistance payment that exceeds the amount of the rent to owner. It is only paid when the housing assistance payment exceeds the rent to owner. In the certificate program, 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, and amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. 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.

**Verification:**

- a. The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).
- b. The three types of verification are:
  - (1) Third-party verification, either written or oral, obtained from employers, public assistance agencies, schools, etc.)
  - (2) Documentation, such as a copy of a birth certificate or bank statement
  - (3) Family certification or declaration (only used when third-party or documentation verification is not available)

**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. *[1937 Act]*

**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 (rental voucher):** A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for

housing authority approval of a unit selected by the family and states the obligations of the family under the program.

**Voucher holder:** A family holding a voucher with unexpired search time.

**Waiting list admission:** An admission from the housing authority waiting list. *[24 CFR 982.4]*

**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.

**Welfare-to-Work (MTW) families:** Families assisted with voucher funding awarded under the HUD welfare-to-work voucher program.



## ACRONYMS

ACC	Annual Contributions Contract
CACC	Consolidated Annual Contributions Contract
CFR	Code of Federal Regulations
FMR	Fair Market Rent
FSS	Family Self Sufficiency (program)
HA	Housing Authority
HAP	Housing Assistance Payment
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
PBC	Project-Based Certificate (program)
QHWRA	Quality Housing and Work Responsibility Act of 1998
PHA	Public Housing Agency
TTP	Total Tenant Payment

## ALBANY HOUSING AUTHORITY AGENCY PLAN PUBLIC HEARINGS

(4/12/2000 6:00 PM and 4/13/2000 6:00 PM)

\*

These are general summaries based on notes taken to identify the person speaking and a brief summary of the comments that were to be recorded. The meeting was tape-recorded, however, the tape did not record and nothing is heard on the 90-minute tape. The summary of statements made, questions asked, and responses given are to the best of my knowledge. Linda S. Murphy, Technical Programs Analyst, Albany Housing Authority.

1. APRIL 12, 2000 – The Albany Housing Authority's Chairman, Victor Cain after discussing with Steven T. Longo, Executive Director, cancelled this hearing since only two residents showed up. Residents included Rosie Davidson, Tenant Commissioner and residents of Ida J. Yarbrough Homes and Tyler Trice, vice president of Tenant Leadership Council and resident of Ida J. Yarbrough Homes. Other persons in attendance included Linda S. Murphy, Technical Programs Analyst, AHA and Jay Cunningham, Director of Security, AHA, Beverly Spickerman, Manager, Ezra Prentice Homes. (This was not recorded) (Sign-in sheet attached)
2. APRIL 13, 2000 – Chairman Victor Cain opened the meeting at 6:20 PM. Thanked everyone for attending and turned the meeting over to AHA Executive Director Steven T. Longo. (Meeting was recorded) (Sign-in Sheet attached)

Mr. Longo presented the Agency Plan in summary form and reviewed the 5-Year plans to the audience for the next 30 minutes. He then opened the meeting to questions and comments.

1. Carolyn Pierce 200 Green St., 12F asked if the Green Street buildings would still be standing as she had heard they were going to be torn down.
2. Mr. Longo assured her that the buildings would remain standing and the Lincoln towers were probably going to be torn down
3. Ms. Pierce then asked what about the people who lived there? Would they have a place to go to?
4. Mr. Longo explained that one of the goals was to apply for Hope VI for the Lincoln high rises, not Steamboat since the site did not make a strong enough application and that residents would be involved in the planning stages.
5. Marshall Sanders 220 Green St., 4B was concerned about security. He lives on a back wing where the kitchen windows are off an open walkway. He is concerned about his safety. Likes his apartment very much. Has lived there 2 years.

6. Mr. Longo stated that AHA plans to have security bars installed on these windows and that they are in the capital funds application. He also explained that he was trying to get the security guard program up and running at Steamboat. Funding is a problematic area for the guard program at this time. It works well at Lincoln Homes.
7. Hon. Carolyn McLaughlin – 2<sup>nd</sup> Ward Council Member responded to Ms. Pierce's concern (#3) stated that the plans would include housing for everyone who lives in the Lincoln apartments. New construction and replacement housing should be one-for-one. Perhaps HUD has other requirements that would accommodate the number of families and residents should have a hand in the design. Steve and the housing authority has learned to plan better based on their experience with the North Albany HOPE VI relocation. They are well aware of the process to ward off any problems that would occur. Make sure that you, as residents, put your wants in writing.
8. Mr. Longo stated that Lincoln Square does not have the same level of satisfaction as Steamboat Square. People are not happy at Lincoln.
9. Resident of 637 So. Pearl asked if Ezra Prentice would be torn down.
10. Mr. Longo stated that possibly in the future the three buildings closest to the railroad tracks would be taken down and a hill would be built up that would eliminate the sight of the train yard and lessen the noise would be put in place. A new fence would also be installed.
11. Resident of 637 So. Pearl asked about asbestos at North Albany. Why were people living there if it had asbestos?
12. Mr. Longo stated that this was a good question. The asbestos was in the old flat roofs at Corning. These were covered with the pointed roofs. Based on health standards, the newer roofs prevented the asbestos from becoming airborne. This was not hazardous. Now that the demolition is going to take place, the asbestos has to be carefully removed so that is contained and does not become airborne.
13. James Owens 624 So. Pearl St. – wanted a clarification of the three buildings at Ezra Prentice that were to be removed.
14. Mr. Longo reiterated that the three buildings in the back of the site closest to the railroad tracks would eventually be removed if the authority received approval.
15. George Marbley, 230 Green St. 1A – Stated that he went to Washington (DC) and wanted Mr. Longo to discuss the townhouses (at Steamboat) and what about 230 Green Street problem, did anyone from Washington say anything to Mr. Longo about the hallways that are exposed?
16. Mr. Longo explained that Mr. Marbley went to Washington, DC along with several other residents for a Peoples Action Conference. They met with representatives and voiced their concerns. The issue with the townhouses is the electric heat. There are plans to convert the electric to gas, which will be cost effective. The issue with the 230 Green Street building is the exposed hallways. Because of the exposure the dirt and noise from the highway is

evident. Something we would like to do is to somehow construct a new exterior wall to close in the hallways.

17. Tyler Trice, 270 North Pearl St. – Wanted to know about the decentralization of maintenance. Will it be fiscally prudent to do this and can residents be considered for any jobs that may come up as a result?
18. Mr. Longo responded that in the past, we had decentralized maintenance, then a study came along and said that centralized maintenance was the way to go, so we did. Now we have new studies that say that maintenance at each site that would go along with project-based budgeting is the fiscally sound way to manage large properties. He further stated that the authority goes to the WAGE Center for residents who may be qualified for any jobs that become open. Residents can be trained through the WAGE center and the maintenance training site. He explained the Hudson Valley certification program and the WAGE center job development programs.
19. Mr. Longo stated that hopefully the WAGE center was unique and that we did not want to duplicate programs that were already in existence.
20. Rosie Davidson – Tenant Commissioner, resident Ida Yarbrough Homes – asked if it were a ‘typo’ to include only Ezra Prentice with the installation of new dishwashers. Why would this be done at only one site and not at all sites?
21. Mr. Longo answered by referencing the asset management study completed by Bay Area Economics where they recommended that one site be made as marketable as possible. In keeping with the plans for south end revitalization, Ezra Prentice was the ideal location to establish a marketing process. Mr. Longo agreed that it would be a good idea to include dishwashers at all sites since it would help to market the units.
22. Michelle Tucker – Ezra Prentice Tenant Association president. 625 So. Pearl St. asked what about behind the scene? Why would you put in dishwashers when the pipes were leaking, ceilings were stained and water spotted and there were many other things that needed more attention first. Tenants are complaining now and you did not ask us if we wanted a dishwasher. There are holes in the parking lots, potholes, and the heat is too hot. You can have my dishwasher. The other more important things need to be done first, like the pipes.
23. Mr. Longo answered that capital fund items would be prioritized and that the asset management was a very important tool in order to remain competitive.
24. Sophie Smith, president Tenant Leadership Council, resident of Robert Whalen Homes, Colonie St. wanted to know why the residents were not notified of this meeting.
25. Victor Cain, Board Chairman, stated that the meeting was advertised in the paper and on all office bulletin boards. However, in the future, we will pass out flyers for meetings.
26. Sophie Smith – there are many things that we were told to sign a petition for that are not done. We wanted a fence around the development (NY 9-1

Robert Whalen Homes), we did what was asked, this was years ago and still we have no fence.

27. Mr. Longo – we plan to have a meeting in the very near future for the tenants to review the fence design. Some fencing was put up and we are progressing to the completion of the work.
28. Ms. Smith – We want screen doors.
29. Mr. Longo – the screen doors are in the Whalen homes Capital fund five year plan.
30. Hon. Carolyn McLaughlin – 2<sup>nd</sup> Ward Council Member – The housing authority should let the residents have a voice in prioritizing what work needs to be done. Also, there are 3 phases in the City’s plan to do the pipes and other infrastructure work. (referencing Ms. Tucker’s comments #23). The city has completed the first phase that included upper So. Pearl St. It would have been nice if they had started with the other end, but it was not. Eventually, the pipes will be completed in the South End. It is better to concentrate on one area at a time, if you spread it out it sometimes does not work out right. Move to one area at a time, complete it and then go on to the next. You can see the progress.
31. Ms. Smith – we would like to know if we are benefiting from the money coming in.
32. Ms. McLaughlin – that is why the census is very important. It is how the money trickles down to the cities and other departments. I hope that all of you who received a census form filled it out and returned it. If you did not receive a form, call the census office and ask for one.
33. Estelle Kite – Creighton Storey Homes (state-assisted public housing) the problem is the issues on the census. “When we help to get the money, we never see the money, and when we approach the people for the money, it is not available. I threw mine away. If they come to the door, they will only find out that me and my granddaughter live there, nothing else.”
34. Ms. McLaughlin – Reiterated the importance of the census and that each person who answers the census helps where they live.
35. Marshall Sanders, 220 Green St., 4B – filled out his census form and emphasized that he likes where he lives and hopes that Steamboat stays nice.
36. Regina Young 325 Colonie St. 2M (462-9322 – wanted to know why her building was not completed like the other buildings when Whalen Homes was renovated. It was the first building finished and yet they still do not have automatic doors, electric door bells, shelves in the closets...they left this building for last and never came back.
37. Mr. Longo – he will look into this right away and get back to Ms. Young, The work should be completed as soon as possible.
38. Michele Tucker 625 So. Pearl St. had a question on page 6 of the plan, what does the statement mean?
39. Mr. Longo explained that it meant that AHA would work towards its mission statement to encourage resident self-sufficiency.

40. Tanya Stimpson (sp) 625 So. Pearl St. – had a question on whether or not decentralization would affect the offices, particularly for rent payments.
41. Mr. Longo stated that the authority is looking into options for payments but will keep one Central Collection location for rent payment. There have been some problems with Key Bank but they have been resolved.
42. Rosie Davidson – Tenant Commissioner and Ida Yarbrough resident wanted an explanation of the resident organization statement in the 5 year plan. Do we not have resident organizations now?
43. Mr. Longo explained that the authority continuously encourages residents to organization and it remains an on going process. He wants to create resident groups at each site.
44. Ms. Davidson discussed job opportunities for residents, stated that there were problems with the WAGE center, and were there other programs available for residents.
45. Michele Tucker of Ezra Prentice wanted to know why the Ezra Prentice computers were not in use.
46. Mr. Longo explained that the Weed and Seed program, specifically Linda Miller, was supposed to have set up the computer learning lab using Weed and Seed funds. The authority's MIS person, Peter Ragsdale set them up. The authority is working with New York Wired to bring in an instructor for an after school program. And a couple of classes a day for residents. We can also look for a program for the parents at Ezra Prentice.
47. Sophie Smith president TLC and resident of Robert Whalen Homes had a question on page 5. There is everything on the list except TLC for the youth programs. How can you provide youth programs when you ignore the parents?
48. Victor Cain, AHA Chairman – we will add TLC to the list.
49. Rosie Davidson – Tenant Commissioner and Ida Yarbrough resident – this has occurred in the past at least twice and at the HOPE VI in North Albany. TLC and AHRDC (Albany Housing Resident Development Company) should be on the list in the top of the order.
50. Victor Cain, AHA Chairman – does anyone have any more questions or comments?
51. James Patterson 220 Green St. His concern is one of safety and insurance. The sprinklers have no protection over the red glass bulbs (heat sensors). Every time an alarm goes off, he wonders if the water will come on and ruin his belongings with water. Can the authority do something about this?
52. Victor Cain and Mr. Longo stated that the authority would contact the fire department to see what options are allowed.
53. Michele Tucker president of Ezra Prentice Tenants Association thanked Mr. Longo for coming to the most recent tenants meeting and invited everyone else to attend.
54. Mr. Cain adjourned the meeting at 7:55 PM.