AZ038v01

	A 5-Year and nual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing			OMB No. 2577-0226 Expires 4/30/2011	
1.0		Housing Authorit High Performing YY): <u>07/2011</u>	Standard	PHA C	code: <u>AZ038</u> )	
2.0	<b>Inventory</b> (based on ACC units at time Number of PH units: <u>70</u>			CV units: <u>82</u>	_( to HAMC 0	07/1/11)
3.0	Submission Type	🛛 Annual	Plan Only	5-Year Plan Only		
4.0	PHA Consortia	PHA Consort	ia: (Check box if submitting a joi	int Plan and complete table	below.)	
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Uni Program PH	ts in Each
	PHA 1:				РП	пст
	PHA 2:					
	PHA 3:					
5.0	5-Year Plan. Complete items 5.1 and 5	5.2 only at 5-Year	Plan update.			
5.1	<b>Mission.</b> State the PHA's Mission for jurisdiction for the next five years:	serving the needs	of low-income, very low-income	e, and extremely low incom	e families in the I	PHA's
5.2	Goals and Objectives. Identify the PH low-income, and extremely low-income and objectives described in the previou	e families for the				

6.0	PHA Plan Update
	(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:
	Public Housing: Modified the pet deposit to equal the amount of TTP, up to a maximum of \$150.00, at time pet agreement is signed.
	Increased security deposits by \$50. Wait list preferences are by date and time received without local preferences.
	Section 8: no changes (voucher program to transfer to HAMC effective 7/1/11)
	1. Eligibility, Selection and Admissions Policies, including De-concentration, and Wait List Procedures. (See attachment AZ 038a01 & AZ038b01
	2. FINANCIAL RESOURCES
	Public Housing Operating Fund:
	<ul> <li>\$ 144,682 Operating Subsidy - To be used to for operating &amp; maintaining the public housing units.</li> <li>\$ 111,278 Tenant rents to be used for operating the public housing program.</li> </ul>
	\$ 255,960 Total revenue will be used for maintaining the administrative and maintenance duties in order to keep the facilities safe and secure for the residents who live within them.
	Public Housing Capital Fund:
	\$ 100,670 (Appx) 2011 \$ 53,219.13 AZ20P03850109
	<u>\$ 100,670 AZ20P03850110</u>
	\$ 254,559.13
	Annual Contributions for Section 8 Tenant – Based Assistance: NOTE: These funds will be transferred to HAMC
	586,382 HAP
	51,904 ADMIN FEES

Other Federal Funds: N/A

<u>Non-HUD Funds:</u> N/A

# 3. RENT DETERMINATION

#### SECTION 8 (This program will transfer to HAMC 7/1/11)

CPHA does not employ any discretionary rent-setting policies for income based rent in Section 8. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent (which there isn't any in Arizona), or minimum rent (less HUD mandatory deductions and exclusions).

The minimum rent is set at \$50. CPHA has adopted discretionary minimum rent hardship exemption policies. CPHA does not have ceiling rents.

CPHA will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. This notification will be included in the change of rent notice issued by CPHA at each re-certification of income. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly-adjusted income, 10% of monthly income or minimum rent. Requests for minimum rent exception must be made in writing within 10 days from the date of notification of rent and must include documentation as proof of financial hardship. CPHA will use its standard verification procedures to verify circumstances, which have resulted in financial hardship.

CPHA will grant the minimum rent exception to all families who request it, effective the first of the following month. The minimum rent will be suspended until the PHA determines whether the hardship is: covered by statute; temporary or long term.

"Suspension" means that the PHA must not use the minimum rent calculation until CPHA made this decision. During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

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

Families must report all changes to household composition and income within ten (10) calendar days of change in writing on a form designated by CPHA.

Annual re-determinations of household income follow HUD Verification Guidance.

#### PUBLIC HOUSING

Public Housing uses an income-based rent calculation to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, is paid directly to the family.

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30% of the family's monthly adjusted gross income
- 10 % of the family's monthly gross income
- A minimum rent of \$50.00. (CPHA has the authority to suspend and exempt families from the minimum rent when a financial hardship exists.)

In addition, CPHA offers each family a choice of paying a flat rent or the income based rent at move in and at each annual recertification. A household choosing a flat rent will complete a full re-certification once every three years.

All Public Housing residents are required to report changes in income (and family composition) at the time the change occurs and an interim certification will be conducted. Interim certifications will also be conducted upon request by the resident. Changes that will decrease the tenant rents will go into effect on the first of the month following the verification of the change and those changes creating an increase in the tenant's rent will go into effect on the first of the month following a 30 day notice of increase.

t	<b>DPERATIONS &amp; MANAGEMENT</b> A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operat he public housing agency (include measures necessary for the prevention or eradication of pest infestation, including cockroaches), an nanagement of the PHA and programs of the PHA.
T	The goal for CPHA managed property is to:
	Adintain the property in excellent condition
	Keep expenses within the operating budget
	Explore opportunities for revenue growth or expense reduction
	Assess and address capital needs proactively
	Comply with all Federal, State, and local laws and regulations
ł	Provide excellent customer service to all residents.
	CPHA emphasizes the importance of maintaining control of the maintenance work by performing scheduled routine and preventive wo loing so, the Authority will decrease on-demand work and maintain the property in a manner that will keep and attract good tenants.
N	The work priority system ensures that the most important maintenance work is done at a time it can be performed most cost-effectively Minimizing vacancy loss is part of the cost-effectiveness calculation. The maintenance priorities of CPHA are the following: Emergency Repairs
	lesident Requests
	Jnit Turnover
	Inspections
	Aiscellaneous
H	Emergency repairs are repair needs which threaten the life, health, or safety of a resident and need to be responded to within 24 hours.
	Resident requests are very important to CPHA as residents can be the eyes and ears for the staff, informing them of smaller problems b hey become larger problems. Providing excellent customer service will improve the living quality for the residents.
ι	ney become larger problems. Providing excertent customer service will improve the riving quarty for the residents.
	The maintenance procedure for reoccupying vacant units relies on the prompt notification by management of the vacancy, fast and accurate
i	nspection of the unit, ready availability of workers and materials, and good communication with those responsible for leasing the unit.
F	Programs Manager has the authority to hire contractors when it is necessary to meet the required Authority goals as established by the
C	urrent PHAS indicators.
(	CPHA conducts different types of inspections throughout the year. The purpose of inspections is to ensure housing is decent, safe, san
	nd in good repair for residents by identifying necessary corrections before problems become severe, dangerous or costly. There are ba
	wo types of inspections, annual and on-going.
	Annual inspections are completed every year for all apartments. These inspections are often combined with housekeeping inspections
	nay be done by management, maintenance or both. Deficiencies are corrected either at the time of inspection or through the written w
	rder system.
	In-going inspections include preventative maintenance, vacancies, move in and move out inspections, property inspections and any ot
	pecial inspections include preventative mannenance, vacancies, move in and move out inspections, property inspections and any ou
	Preventative maintenance inspections are part of the planned or scheduled maintenance program of CPHA. The purpose of the scheduled
r	naintenance program is to allow the Authority to anticipate maintenance requirements and make sure the Authority can address them in nost cost-effective manner. The preventative maintenance program focuses on the major systems that keep the properties operating. T
s	ystems include heating and cooling, electrical, life safety and plumbing. Routine inspections of grounds, common areas and other
	quipment are included.
	/acancy inspections are made to insure the unit repairs are in compliance to the Uniform Physical Condition Standards set by HUD.
	Nove in inspections are completed by staff and new resident. The resident is required to sign the inspection form certifying the condition
	he unit at move-in.
	Nove out inspections are conducted at the time the resident vacates the units. Residents are encouraged to attend this inspection. The
	n inspection is compared to the move out inspection in order to assess any damages that can be charged to the vacating tenant.
	Aiscellaneous inspections are any other inspections not categorized above. These can include quality control inspections, HUD inspec
1	ease enforcement and contract maintenance work completion.
(	CPHA makes every effort to provide a healthy and pest-free environment for its residents.
	special attention is paid to cockroaches as this is the most common infestation. Generally, CPHA provides for quarterly pest control
	Jowever, special circumstances may occur that may require more frequent treatments. These situations are handled on a case by case
	nd may include resident housekeeping training in addition to additional pest control treatments.
	CPHA contracts with a licensed extermination company to perform pest control services.

Resident cooperation with the extermination plan is essential. All apartments in a building must be treated for the plan to be effective. Residents are given information about the extermination program and housekeeping standards at the time of move-in. All residents are informed in writing at least 48 hours in advance of the treatment.

In order to allow its staff members to perform to the best of their abilities, CPHA recognizes the importance of providing the staff with opportunities to refine technical skills, increase and expand craft skills, and learn new procedures.

The City of Peoria Housing Authority will be merging with Housing Authority of Maricopa County in 2011. The Housing Choice Voucher program is scheduled to be taken over by HAMC on July 1, 2011 and the public housing units by December 31, 2011. The merging of the housing authority with a larger agency will improve the purchasing power of the limited funding available and open up more resources and opportunities for the residents and participants to take part in programs such as the Family Self Sufficiency Program that a small agency cannot afford to do.

### 5. Grievance Procedures

#### SECTION 8

CPHA has established an informal review procedure 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 that coincide with the federal requirements of 24 CFR 982. No additional procedures to this policy have been added.

Applicants and participants may initiate the PHA grievance procedure by contacting their case worker or the Programs Manager in writing at the administrative office of CPHA.

# PUBLIC HOUSING

(See attachment AZ038c01)

### 6. Designated Housing for Elderly and Disabled Families

PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted or planned for submission; and 5) the number of units. No changes planned.

### 7. Community Service and Self-Sufficiency

CPHA maintains a resource book that is available to all public housing and section 8 participants. CPHA provides notice to all contactors about the Section 3 program and posts notices on all upcoming contracts. The majority of our Public Housing residents are handicapped/disabled. (See attachment AZ038d01)

#### 8. Safety & Crime Prevention

The City of Peoria Police Department does not employ a liaison or community relations officer. Through a cooperative effort between the City of Peoria and the Housing Authority, the police department provides a monthly statement of activity on all CPHA owned properties. CPHA does encourage all residents to be proactive in reporting suspicious activities. CPHA does promote the local neighborhood watch program at Parkview and encourages all of the scattered site housing residents to participate in their neighborhood programs.

9. Pets See attached AZ038e01

#### 10. Civil Rights Certification See attached AZ038f01

#### 11. Fiscal Year Audit

The 2010 Audit was performed by Heinfeld, Meech and Co., P.C. The following is the status of the Federal Award Findings and Questioned Costs.

CFDA No 14.871 Program Name: Section 8 Housing Choice Voucher Program Finding No. 09-1 Status: Fully Corrected Finding No 09-2 Status: Fully Corrected No other Findings stated for the Public Housing Program

	<b>12.</b> Asset Management The housing authority has only one AMP for the 70 units of public housing. The housing authority has been practicing asset management in its day to day operations. Changes are on-going in an effort to conform with proposed PHAS scoring system and asset management review process. The AMP structure will be evaluated upon consolidation of the Public Housing units with the Housing Authority of Maricopa County.
	<ul> <li>13. Violence Against Women Act (VAWA)</li> <li>CPHA does maintain a resource list of agencies and organizations that provide services to victims of domestic violence. This resource list is available to all participants and applicants.</li> <li><u>SECTION 8 (Voucher program to transfer to HAMC effective 7/1/11)</u></li> <li>CPHA has a written policy pertaining to victims of domestic violence, dating violence, sexual assault or stalking. Notification of rights under the law are included in the Administrative Policy, the Participant Handbook, the Landlord Handbook, and newsletters.</li> </ul>
	CPHA will terminate HAP contracts when necessary and move victim families to more secure housing, even to using portability to remove them from the situation, whenever a victim alleges victimization under this statute, and with proper certification.
	<u>PUBLIC HOUSING</u> All public housing residents are made aware of the rights outlined in the Violence Against Women Act by signing a lease addendum. (See attachment AZ038g01)
	(b) Copies of the Annual Plan can be viewed/obtained at the following locations: CPHA office at 10950 N. 87 <sup>th</sup> Ave., Peoria, AZ.
7.0	Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. Include statements related to these programs as applicable. The housing authority is planning to merge its programs and housing units with the Housing Authority of Maricopa County. Upon the occurrence of the merger, the housing authority will be eliminating the public housing units and program vouchers and reassigning the units and vouchers to the Housing Authority of Maricopa County. Target date for Section 8 is July 1, 2011 to transfer to HAMC and the Public Housing units by December 31, 2011.
8.0	Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.
8.1	Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CFP grant and CFFP financing. See attached AZ038h01, az038i01 & az038j01
8.2	Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund</i> <i>Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. See attached AZ038k01
8.3	Capital Fund Financing Program (CFFP). Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. n/a
9.0	<b>Housing Needs</b> . Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. The Section 8 wait list has been closed for more than three years. CPHA has only 82 vouchers with very little turnover, thus the wait list moves slowly. CPHA has a high ratio of portability vouchers from other housing authorities that do take care of existing Peoria citizens or to those moving into the area. The public housing wait list remains open. Limited public housing units have long waiting lists with low turnover. More than 50% of both the public housing and Section 8 wait list applicants are in the extremely low income range.
9.1	Strategy for Addressing Housing 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. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. Response not required for small PHA.

	Additional Information. Describe the following, as well as any additional information HUD has requested.					
	(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5- Year Plan.					
10.0	CPHA goal to merge the PHA with the Housing Authority of Maricopa County has made progress. Two separate resolutions were signed regarding the merger. The first resolution was stating the merger would take place. The second resolution was specific to the Section 8 program as this is the first phase of the transition. Planning meetings were held with representation from both housing authorities, City of Peoria personnel and local field office personnel. The target date for Section 8 transition to HAMC is July 1, 2011 and the Public Housing transfer by December 31, 2011.					
	<ul> <li>The second goal to improve energy efficiencies progressed by completing a conversion to desert landscaping at a scattered site house, purchased more energy star appliances and hot water heaters, replaced large single paned sliding glass doors (scattered site houses) with single solid core doors, installed new energy efficient a/c unit as well as installing aerators as needed and purchasing water saving toilets when needed.</li> <li>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</li> </ul>					
	Implementation of a policy that may financially have a negative impact on the residents and clients of the housing authority would be a significant amendment and a substantial deviation/modification.					
11.0	<b>Required Submission for HUD Field Office Review</b> . In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.					
	(a) Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations (which includes all certifications relating to Civil Rights)					
	(b) Form HUD-50070, Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)					
	<ul> <li>(c) Form HUD-50071, Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)</li> <li>(d) Form SF-LLL, Disclosure of Lobbving Activities (PHAs receiving CFP grants only) NOT APPLICABLE</li> </ul>					
	(d) Form SF-LLL, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) N/A					
	<ul> <li>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (See attached AZ038L01)</li> </ul>					
	(g) Challenged Elements - none (b) Form HUD 50075 1 Canital Fund Decrement Annual Statement/Performance and Evaluation Percent (PHAs receiving CEP grants only)					
	<ul> <li>(h) Form HUD-50075.1, Capital Fund Program Annual Statement/Performance and Evaluation Report (PHAs receiving CFP grants only)</li> <li>(i) Form HUD-50075.2, Capital Fund Program Five-Year Action Plan (PHAs receiving CFP grants only)az038k01</li> </ul>					
	See attached AZ038m01					

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

# **Instructions form HUD-50075**

**Applicability**. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

#### 1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

#### 2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

#### 3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

### 4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

#### 5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

**5.1 Mission**. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

**5.2 Goals and Objectives**. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

- **6.0 PHA Plan Update.** In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:
  - (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
  - (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central off ice of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

#### PHA Plan Elements. (24 CFR 903.7)

1. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures. Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

- 2. Financial Resources. A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
- **3. Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
- 4. Operation and Management. A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
- 5. Grievance Procedures. A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
- 6. Designated Housing for Elderly and Disabled Families. With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted, or planned for submission, and; 5) the number of units affected.
- 7. Community Service and Self-Sufficiency. A description of: (1) Any programs relating to services and amenities provided or offered to assisted families; (2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; (3) How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. (Note: applies to only public housing).
- 3. Safety and Crime Prevention. For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

- **9.** Pets. A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
- 10. Civil Rights Certification. A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
- **11.** Fiscal Year Audit. The results of the most recent fiscal year audit for the PHA.
- 12. Asset Management. A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
- 13. Violence Against Women Act (VAWA). A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a gublic housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.
- 7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers
  - (a) Hope VI or Mixed Finance Modernization or Development. 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm
  - (b) Demolition and/or Disposition. With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at:

http://www.hud.gov/offices/pih/centers/sac/demo\_dispo/index.c fm

Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.

(c) Conversion of Public Housing. With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert;
2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:
http://www.hud.gov/offices/pih/centers/sac/conversion.cfm

(d) Homeownership. A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

- (e) Project-based Vouchers. If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.
- 8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.
  - 8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the Capital Fund Program Annual Statement/Performance and Evaluation Report (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:
    - (a) To submit the initial budget for a new grant or CFFP;
    - (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
    - (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

- At the end of the program year; until the program is completed or all funds are expended;
- 2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
- **3.** Upon completion or termination of the activities funded in a specific capital fund program year.

#### 8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

**8.3 Capital Fund Financing Program (CFFP).** Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm

- **9.0 Housing Needs.** Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. (**Note:** Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).
  - 9.1 Strategy for Addressing Housing Needs. Provide a 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. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

**10.0 Additional Information.** Describe the following, as well as any additional information requested by HUD:

- (a) Progress in Meeting Mission and Goals. PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).
- (b) Significant Amendment and Substantial Deviation/Modification. PHA must provide the definition of "significant amendment" and "substantial deviation/modification". (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. (Note: Standard and Troubled PHAs complete annually).
- **11.0 Required Submission for HUD Field Office Review.** In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.
  - (a) Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations
  - (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only)
  - (c) Form HUD-50071, Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)
  - (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only)
  - (e) Form SF-LLL-A, *Disclosure of Lobbying Activities* Continuation Sheet (PHAs receiving CFP grants only)
  - (f) Resident Advisory Board (RAB) comments.
  - (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
  - (h) Form HUD-50075.1, Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only). See instructions in 8.1.
  - (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (Must be attached electronically for PHAs receiving CFP grants only). See instructions in 8.2.

Item 6.1Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.

#### Section 8

CPHA will accept applications only from families whose head or spouse is at least 18 years of age or an emancipated minor.

To be eligible for participation in the Housing Choice Voucher Housing Assistance Program, an applicant must meet the following criteria established by HUD:

#### An applicant must be a "family"

An applicant must be within the applicable Income Limits

An applicant must furnish Social Security Numbers for all family members

An applicant must furnish Declaration of Citizenship or Eligible Immigrant Status and at least one member of the applicant family must be either a U.S. citizen or have eligible immigration status.

#### PLACEMENT ON WAITING LIST

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors identified above. However, eligibility factors will not be verified before the family is placed on the waiting list. Placement on the waiting list will be based solely on the household's certification.

Reasons for denial of placement on the waiting list or denial of admission are addressed in the "Denial or Termination of Assistance" further in this Administrative Policy. These reasons for denial constitute additional admission criteria.

#### Qualifying household [24 CFR 982.201 (c)]

The applicant must qualify as a family as follows:

1. A *family with or without children*. Such a family is defined as a group of people that lives together in a 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 family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or 0ne 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 family whose head, spouse, or sole member is a person who is at least 50 years of age but below 62 years of age; two or more persons who are at least 50 years of age but below the age of 62 and living together; or One or more persons who are at least 50 years of age but below the age of 62 and living with one or more live-in aides.

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

5. A *displaced family* is a family in which each member, or whose sole member, has been displaced by government action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

6. A *remaining member of a tenant family*. Such remaining household members must have been listed on the most recent HUD 50058 and lease, must be of legal age and must be able to carry out the terms of the lease and family obligations

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 aid* is not a remaining family member.

(A household member for whom a subsidy was not paid because the household member did not have eligible citizenship status will not be considered a remaining household member).

#### HOUSEHOLD COMPOSITION

Head of household

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

Co-head: The co-head of the household is any adult individual designated by the household, who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A cohead never qualifies as a dependent.

Live-in attendants : A Family may include a live-in aide provided that such live-in aide:

Is determined by CPHA to be essential to the care and well being of an elderly person, a near elderly person, or a person with disabilities,

Is not obligated for the support of the person(s), and would not be living in the unit except to provide care for the person(s).

The following distinct provisions apply to a live-in aide:

Income of the live-in aide will not be counted for purposes of determining eligibility or amount of housing assistance.

Live-in aides must meet citizenship or eligible immigration requirements.

Live-in aides are not considered as a remaining member of the participant family and are therefore not entitled to any continued housing assistance if the household member they were aiding no longer participates in the program.

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

A Live-in Aide may only reside in the unit with the approval of the PHA. Written verification will be required from a medical provider with knowledge of the family member's needs. The verification provided must certify that a live-in aide is needed for the care of the family member as described above. Verification must include the hours the care will be provided.

At any time, the PHA will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the CPHA or to another PHA in connection with Housing Choice Voucher or public housing assistance under the 1937 Act. **Split Households Prior to Voucher Issuance** 

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, CPHA will determine the family unit that retains the children as the applicant family. If there are no children, CPHA will require the applicants to jointly agree in writing as to who is the continued applicant or solicit a court decision.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide appropriate documentation, they will be denied continued placement on the waiting list for failure to supply information requested by the PHA.

#### Multi-generational Families

Families applying for assistance, which consist of two or more generations living together, (such as a mother, and a daughter with her own children), will be treated as a single family unit and will be entitled to only one housing voucher for assistance.

#### Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively. Legal documentation must be provided by families who claim joint custody or temporary guardianship. INCOME LIMITS [24 CFR 982.201(B), 982.353]

The following income limits apply to applicants for admission to the Housing Choice Voucher Housing Assistance Program:

An applicant must be a very low-income family, which is defined as a family whose annual income does not exceed 50% of the area median income.

Applicants in excess of the very low-income limits but within the low income limits (80% of the area median income) will only be admitted based on the following criteria:

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance.

A low-income family displaced by rental rehabilitation activity under 24CFR part 511.

A low-income non-purchasing family residing in a project subject to homeownership program under 24CFR 248.173.

A low-income or moderate-income family that is displaced as a result of a prepayment of a mortgage or voluntary termination of mortgage insurance contracts under 24 CFR 248.165.

A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

To determine if the family is income-eligible, CPHA will compare the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review. Families using portability must be within CPHA's applicable income limits if this will be family's initial lease up under the Housing Choice Voucher Program.

75% of all newly admitted applicants must fall within 30% of the area median income.

#### MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members prior to admission, if the Social Security Administration has issued them a number. This requirement also applies to persons joining the family after admission to the program. Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

#### CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. The status of each member of the family is considered individually before the family's status is defined as follows:

**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." Assistance to such applicant families will be prorated and applicants will be notified accordingly.

All Members Ineligible - Applicant families that include no eligible members are not eligible for assistance. Such families will be denied admission.

Non-citizen Students- Defined by HUD in the non-citizen regulations and not eligible for assistance.

Applicants are entitled to an informal hearing for denial of placement on the waiting list or denial of assistance if such denial is based on the immigration status criteria described above.

# OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

CPHA will apply the following additional criteria for admission to the program. Violation of any of the following will result in denial of admission.

The family must not have violated any family obligation during a previous participation in the Housing Choice Voucher Program for three years prior to final eligibility determination.

No family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the last three years for the first offence prior to final eligibility determination.

The family must pay any outstanding debt owed to CPHA or another PHA in connection with Housing Choice Voucher or Public Housing assistance under the 1937 Act within 15 working days of CPHA's notice to repay.

No member of the family may have engaged in drug related or violent criminal activity for three years prior to final eligibility determination.

To determine whether this has occurred, the CPHA will check criminal history for all adults in the household to determine whether any member of the family has been arrested and/or convicted of violent or drug-related criminal activity within three years prior to final eligibility determination.

No family member may have been evicted from public housing for any reason during the last three years prior to final eligibility determination.

No family member may have engaged in or threatened abusive or violent behavior toward HA personnel for three years prior to final eligibility determination.

Persons evicted from other federally assisted housing because of an arrest and/or conviction for drug-related criminal activity are ineligible for admission to Housing Choice Voucher Programs for a three year period from the date of such eviction. After the three-year period, the person must certify they are no longer engaging in a drug-related criminal activity and demonstrate successful completion of a rehabilitation program approved by CPHA.

The applicant may not misrepresent the information on which eligibility or tenant rent is established. In addition to denial of admission, CPHA may refer the family file/record to the proper authorities for appropriate disposition.

#### SCREENING FOR TENANCY SUITABILITY [24 CFR 982.307)]

CPHA will not screen the applicant household for family behavior or suitability of tenancy. At or before CPHA's approval of the tenancy, CPHA will inform the owner that screening and selection for tenancy is the responsibility of the owner. The owner is responsible for screening families based on their tenancy histories.

CPHA will advise and assist families if they feel that the screening criteria applied by an owner violates any basic Fair Housing Rights of the family. CPHA will make referrals to the local Fair Housing Agency and/or the appropriate HUD office.

#### CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Admission to the Housing Choice Voucher Program occurs at the time that an initial Housing Assistance Payments contract is executed with an owner for an eligible unit. Prior to that time, a family is considered an applicant. After execution of the HAP contract, a family is considered a participant. Therefore, changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility.

#### **INELIGIBLE FAMILIES**

Families who are determined to be ineligible will be notified in writing of the reason for this determination and given an opportunity to request an informal review (or an informal hearing if they were denied due to non-citizen status) as discussed further in this Administrative Policy.

The policy of CPHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but CPHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be pulled from the waiting list in accordance with this Plan.

#### **Opening and Closing the Waiting List**

The City of Peoria Housing Authority will open the waiting list at periodic intervals as determined based on need to assure that an adequate pool of applicants is available to maintain full program utilization and assist the maximum number of families based on available program funding.

When CPHA determines that the waiting list should be opened, a notice will be published in a local newspaper of general circulation and in any other suitable media. The notice will state the limitations on who may apply for any available slots and provide information on where, when and how families may apply for the program.

The PHA may choose to open the waiting list for a specific time period or to accept applications on certain days and times. The public notice will specify the time period in which applications will be accepted. Under no circumstances will applications be accepted when the waiting list is closed unless the public notice indicates that CPHA will continuously accept applications for specific identified preferences.

### LOCAL PREFERENCES [CFR982.207]

The City of Peoria Housing Authority has the following local preferences for waiting list placement and selection. All preferences should be prioritized as follows.

1. City of Peoria Residency: Applicant or family that is living, working, going to school or has been notified that they have been hired to work in CPHA's operational jurisdiction. Proof in the form of a letter extending an offer of employment will be required. Registration for school will be required.

2. Involuntarily Displaced

3. Elderly or Disabled families: where the Head, Spouse or Co-head are at least 62 years of age or disabled.

Waiting list selection will be based on date and time of the application and then the preference(s) will be scored.

Priority weight for the local preferences will be as follows: Top Priority will be given to" City of Peoria Residents" applicants; Second Priority to "Involuntary Displaced" applicants"; Third Priority "Victims of Domestic Violence". This ranking corresponds to the information in the CPHA Annual Plan.

#### PREFERENCE PRIORITY RANKING

The CPHA will aggregate the local preferences in order to determine which applicants will receive priority admission to its Section 8 Housing Choice Voucher Program. The CPHA will utilize a point system for determining priority. The applicant with the highest point total will receive the highest priority. If more than one applicant has the same point total, the applicant with the oldest dated application will receive the highest priority. One point (a single point) will be assigned for each eligible local preference.

All assignment of points will be documented with the required certifications and verifications required by this policy and in the forms prescribed by the regulations.

All families in Preference Number 1 will be offered housing assistance before any families in Preferences Numbers 2 and 3; all Preference Number 2 families will be offered housing assistance before any families in Preferences Numbers 3.

Applicants who do not have any preferences will not be admitted over those who verify that they qualify for one or more preferences. Notwithstanding the above, families who are elderly or disabled will be offered housing assistance before any other single persons.

#### APPLICATION PROCESS

Applicants will be placed on the waiting list based solely on the information provided in the application form. The application, including preference selection, will be completed and submitted to the CPHA and time/date stamped. A receipt will be sent along with a request for any further information required for verifications purposes.

#### APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

If an applicant is determined to be ineligible based on the information provided on the pre-application, CPHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review.

Applicants are required to inform CPHA in writing of changes in address. Applicants are also required to respond to requests from CPHA to update information on their application and to determine their continued interest in assistance.

#### TIMIMG OF SELECTION [24 CFR 982.204]

As vouchers are available, families will be selected from the waiting list strictly in the order of preferences as described above. At that time, any preference claimed by the applicant shall be verified.

Once the program reaches full utilization, CPHA will establish a group of applicants that will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verifications and vouchers will be issued to applicants who have completed the verification process first.

#### REQUIREMENT TO ATTEND ELIGIBILITY INTERVIEW

CPHA will require the applicant household to attend an interview once they have been pulled from the waiting list. CPHA utilizes the full application interview to discuss the family's circumstances in detail, to clarify information, which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs, which may be available.

All adult family members are required to attend the interview and sign the housing application. Exceptions may be made for students attending school out of state or for members for whom attendance would be a hardship unless such members are the head, spouse or co-head of the household.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than ten (10) days from the original appointment date. The request must be made to the staff person who scheduled the appointment. Failure to do so will result in rejection of the application.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

All adult household members must sign the HUD Form 9886, Release of Information; the application form; the declarations and consents related to citizenship/immigration status; and any other documents required by CPHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD form 9886. Failure to sign any consent forms will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing. The family will be given ten (10) days to supply the information. If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance.

VERIFICATION OF ELIGIBILITY [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures found further in this Plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the PHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

If the family is determined ineligible, the family will be notified in writing of the reason for the determination and given an opportunity to request an informal review (or an informal hearing if they were denied due to non-citizen status), per this Administrative Policy.

Admission from the Waiting List: It is CPHA's objective to ensure that families are selected from the waiting list for admission to its programs, in accordance with the policies in this Administrative Policy.

#### Waiting List [24 CFR 982.204]

Organization of the Waiting List: For each applicant, the following information will be collected and maintained. Applicant name, address and other contact information; Family unit size (number of bedrooms family qualifies for under PHA subsidy standards); Date and time of application;

Qualification for any local preference; Racial or ethnic designation of the head of household; Annual household income; Classification of Elderly/Disabled, if applicable; and Any other admission criteria needed to determine eligibility for special programs. The PHA does not currently administer any type of targeted funding.

# **REGULAR HCV FUNDING:**

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided with this Plan.

Income Targeting

Income targeting, in accordance with the Quality Housing and Work Responsibility Act of 1998, will ensure CPHA reserves a minimum of seventy-five percent (75%) of its Housing Choice Voucher Program new admissions for "extremely low income" households, whose income does not exceed 30 percent (30%) of the area median income. Removal from Waiting List and Purging [24 CFR 982.204(c)]

The waiting list will be purged at least once a year to ensure that it remains current and accurate. A notice of continued interest will be mailed to all applicants requesting a response within 10 business days.

If an applicant fails to respond to a mailing, the applicant will be sent a second written notification and given ten (10) business days to contact the PHA. If they fail to respond within ten (10) business days, they will be removed from the waiting list.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If a letter is returned by the Post Office with a forwarding address, the application will be re-mailed, via Regular Mail, with a notice to respond within ten (10) business days. If there is still no response from an applicant this will result in the applicant's removal from the waiting list without further notice.

However, if the applicant did not respond to CPHA's request for information updates because of a family member's disability, CPHA will reinstate the applicant in the family's former position on the waiting list.

Neither family size, nor family unit size, will be a basis by which the applicant will be placed on the waiting list. Further, if there are not sufficient funds to admit a large family unit to the program, a smaller size family unit will not skip to the top of the waiting list. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

CPHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by CPHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program:

The applicant family must:

Qualify as a family as defined by HUD and CPHA.

Have income at or below HUD-specified income limits.

Qualify on the basis of citizenship or the eligible immigrant status of family members.

Provide social security number information for family members as required.

Consent to CPHA's collection and use of family information as provided for in CPHA-provided consent forms. CPHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or CPHA.

FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13]

The terms *family* and *household* have different meanings in the public housing program. Family

To be eligible for admission, an applicant must qualify as a family. *Family* is defined by HUD as a single person or a group of persons, a family with a child or children, two or more elderly or disabled persons living together, and one or more elderly or disabled persons living with one or more live-in aides. CPHA has the discretion to determine if any other group of persons qualifies as a family.

The temporary absence of a child from the home due to placement in foster care shall not be considered in determining the family composition and family size.

In order to provide an increased sense of security for public housing residents the PHA may allow public housing units to be occupied by police officers.

Police officers will not be required to be income eligible to qualify for admission to the PHA's public housing program.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

To qualify as a family when proposed family members are not related by blood, marriage, adoption, or other operation of law, CPHA will require applicants to demonstrate that the individuals have lived together previously, or certify that each individual's income and other resources will be available to meet the needs of the family. Household

*Household* is a broader term that includes additional people who, with CPHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY Family Break-up

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, CPHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, CPHA will determine which family retains their placement on the waiting list, or will continue in occupancy taking into consideration the

following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

## Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family,* which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ. GB, p. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

# HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

*Head of household* means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse and has the legal capacity to enter into a lease under state and local law.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an Elderly Family, provided that the person either meets the age requirement to be considered elderly or, if disabled, is at least eighteen (18) years old and partially responsible for paying the rent.

# SPOUSE, CO-HEAD, AND OTHER ADULT

A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13].

Spouse means the marriage partner of the head of household.

A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

*Other adult* means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

#### DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age <u>or</u> a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

#### Joint Custody of Dependents

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family more than 50 percent of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-certification will be able to claim the dependents. If there is a dispute about which family should claim them, CPHA will make the

determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

# FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent deduction and (2) the income of such an FTS is treated differently from the income of other family members.

ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY Elderly Persons An *elderly person* is a person who is at least 62 years of age [24 CFR 5.100]. Near-Elderly Persons A *near-elderly person* is a person who is at least 50 years of age but below the age of 62 [24 CFR 945.105]. Elderly Family An *elderly family* is one in which the head, spouse, co-head, or sole member is an elderly person [24 CFR 5.403]. Identifying elderly families is important because these families qualify for special deductions from income as and may qualify for a particular type of development.

# PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403]

#### Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, CPHA must make all aspects of the public housing program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

# **Disabled Family**

A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent CPHA from denying admission for reasons related to alcohol and drug abuse following policies found in Part III of this chapter, or from enforcing the lease following the policies in Chapter 13.

### GUESTS [24 CFR 5.100]

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near CPHA premises [24 CFR 966.4(f)].

A resident family must notify CPHA when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 10 days cumulative calendar days during any 12 month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 10 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above. The family must provide documentation of the visitation privilege.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits, mail or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

### FOSTER CHILDREN AND FOSTER ADULTS

*Foster adults* are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c) (2)].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

A foster child is a child that is in the legal guardianship or custody of a state or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

#### ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, and illness.

### Definitions of Temporarily and Permanently Absent

Generally an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 181 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

#### Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to CPHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

If a child has been placed in foster care, CPHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-head

An employed head, spouse, or co-head absent from the unit more than 181 consecutive days due to employment will continue to be considered a family member.

#### Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, CPHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

#### **Return of Permanently Absent Family Members**

The family must request CPHA approval for the return of any adult family members that CPHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

# LIVE-IN AIDE

*Live-in aide* means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

CPHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c) (5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional of the family's choosing, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

CPHA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 966.4(d) (3) (i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person has a history of drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to CPHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, CPHA will notify the family of its decision in writing.

INCOME ELIGIBILITY AND TARGETING

**Income Limits** 

HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustments for family size.

Types of Low-Income Families [24 CFR 5.603(b)]

*Low-income family.* A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

*Very low-income family*. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

*Extremely low-income family.* A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes. Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family. Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to CPHA's public housing program during CPHA fiscal year from CPHA waiting list must be *extremely low-income* families. This is called the "basic targeting requirement".

If admissions of extremely low-income families to CPHA's housing choice voucher program during CPHA fiscal year exceed the 75 percent minimum targeting requirement for that program, such excess shall be credited against CPHA's public housing basic targeting requirement for the same fiscal year.

The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

Ten percent of public housing waiting list admissions during CPHA fiscal year

Ten percent of waiting list admission to CPHA's housing choice voucher program during CPHA fiscal year The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

# CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with CPHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

# Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Non-citizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit CPHA to request additional documentation of their status, such as a passport.

Family members who declare citizenship or national status will not be required to provide additional documentation unless CPHA receives information indicating that an individual's declaration may not be accurate.

#### Eligible Non-citizens

In addition to providing a signed declaration, those declaring eligible non-citizen status must sign a verification consent form and cooperate with CPHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible non-citizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

#### Ineligible Non-citizens

Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

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

The PHA will establish and verify eligibility no later than the date of the family's annual re-examination following October 21, 1998.

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

#### **Mixed Families**

A family is eligible for admission as long as at least one member is a citizen, national, or eligible non-citizen. Families that include eligible and ineligible individuals are considered *mixed families*. 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. See Chapter 6 for a discussion of how rents are pro-rated, and Chapter 14 for a discussion of informal hearing procedures.

# Ineligible Families [24 CFR 5.514(d), (e), and (f)]

CPHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by CPHA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

CPHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible non-citizen.

When CPHA determines that an applicant family does not include any citizens, nationals, or eligible non-citizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for pro-ration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with CPHA. The informal hearing with CPHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the grievance hearing process.

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the resident family CPHA must verify status at the first interim or regular re-certification following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, CPHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

CPHA will verify the status of applicants at the time other eligibility factors are determined.

#### SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, PIH Notice 2010-3(HA)]

For every family member the family must provide documentation of a valid Social Security Number (SSN) or a certification stating that no SSN has been issued. If a family member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual's parent or guardian [24 CFR 5.216(j)]. Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 7.

When a participant request to add a new household member, who is at least six years of age or under the age of six and has an assigned SSN, to the family, the participant must disclose the assigned SSN and provide the PHA with documentation at the time of request or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA may not add the new household member until the family provides such documentation.

If the family is unable to disclose and provide evidence of the SSN with 90 calendar days, the CPHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, if CPHA determines the family was unable to comply with the requirements due to circumstance that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. The child will be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements.

CPHA must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.

#### FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

CPHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow CPHA to obtain information that CPHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

#### DENIAL OF ADMISSION

#### REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

CPHA is required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if CPHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that CPHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, CPHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c) (3) (ii)].

HUD requires CPHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drugrelated criminal activity. HUD permits but does not require CPHA to admit an otherwise-eligible family if the household member has completed a CPHA approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).
- CPHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b) (1)].
- CPHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

# OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits, but does not require CPHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203 (b) and (c)]

Under the Public Housing Assessment System (PHAS), CPHA have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points.

CPHA is responsible for screening family behavior and suitability for tenancy. In doing so, CPHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

CPHA as to all above, the criminal background check will look for the following:

Persons currently engaged in illegal drug activity;

Fugitive felons, parole violators and person fleeing to avoid prosecution or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

Persons convicted for producing Methamphetamine on a federally assisted-housing property;

Sex offenders who are required by law to maintain permanent/lifetime registration with a State Program;

Persons whom a PHA determines it has reasonable cause to believe the household member's illegal drug or alcohol abuse threatens the health, safety, or interferes with the peaceful enjoyment of the premises by other residents; and

Person evicted from federally assisted housing for drug related criminal activities less than three (3) years ago, unless the tenant successfully completes a rehabilitation program approved by the PHA or the circumstances for the eviction no longer exist.

Currently all applicants and prospective applicants, age 18 years and older, have a background check done by checking through the Supreme Court System, the County Court System, including the Court Minutes and the U.S. Department of Justice – National Sex Offender Public Registry and/or through a third-party screening service.

If there is no listing for the applicant, participant or prospective participant, the file will be documented by CPHA Staff, that the criminal checks were completed and that no criminal evidence was discovered.

If there is a listing of criminal activity for the applicant, participant or prospective participant, CPHA Staff will document the file.

In reviewing the criminal report, Asset/Programs Manager will review and make a determination based on the above criteria before denying admission to the program. If there are no criteria to the above, the applicant will be admitted to the program and the file documented as to the date the criminal check and review was completed.

If there is criminal activity, the applicant or prospective applicant will be denied admission to the program. The household will be notified of the proposed action based on the criminal action. The applicant or prospective applicant will be provided an opportunity to dispute the accuracy and relevance of the record.

CPHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report.

Previous Behavior [960.203(c) and (d) and PH Occ. GB, p. 48]

HUD authorizes CPHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense).

CPHA will deny admission to an applicant family if CPHA determines that the family:

Has a record of unsuitable past performance in meeting financial obligations, including rent within the past five years

Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants

Has a record of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances)

Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission (if applicable), expenses, family composition or rent

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

Has engaged in or threatened violent or abusive behavior toward CPHA personnel

Abusive or violent behavior towards CPHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, CPHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, CPHA may, on a case-by-case basis, decide not to deny admission.

CPHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

# SCREENING Screening for Suitability

CPHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

It is the policy of the PHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood or on the quality of life for its residents.

The PHA will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers will be subject to third party verification.

An applicant's misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent may result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance, which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.3, Definition: Qualified Individual with Handicaps). The availability of assistance is subject to verification by the PHA.

The PHA does not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18 and, under State/local law, does not have the legal capacity to enter into a legally binding contract.

As a part of the final eligibility determination, the PHA will screen each applicant household to assess their suitability as renters.

The PHA will complete a rental history check on all applicants.

The PHA shall rely upon sources of information which may include, but not be limited to, PHA records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal, court records, police departments, and home visits for persons who have had negative landlord reference(s) for poor housekeeping habits.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.

The PHA may complete a home visit at the current residence of all applicants who have had landlord verifications returned to the PHA with unfavorable comments concerning their housekeeping habits. Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy, and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

CPHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

1. The applicant's past performance in meeting financial obligations, especially rent

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- 2. Eviction or a record of disturbance reports from neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- 3. Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- 4. Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- 5. Any history of initiating threats or behaving in a manner that indicates intent to assault employees or other tenants.
- 6. Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the PHA. The information to be considered in the screening process shall be reasonable related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonable be expected not to:

- 1. Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24CFR 960.203(c)]
- 2. Adversely affect the physical environment or financial stability of the project. [24CFR 960.203(c)]
- 3. Violate the terms and conditions of the lease. [24CFR 960.203(c)].
- 4. Require services from PHA staff that would alter the fundamental nature of the CPHA's program. [24CFR 8.3]

# Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]

HUD authorizes CPHA to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, CPHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or co-head regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform CPHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.

*Drug Abuse Treatment Facility* means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

*Currently engaging in illegal use of a drug* means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after CPHA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by CPHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

If CPHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).

CPHA will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when CPHA has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]

CPHA is responsible for the screening and selection of families to occupy public housing units. CPHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

CPHA will consider the family's history with respect to the following factors:

Payment of rent and utilities

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Criminal activity that is a threat to the health, safety, or property of others

Behavior of all household members as related to the grounds for denial as detailed in Sections 2-III. B and C

Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability [PH Occ. GB, pp. 47-56]

CPHA has a variety of resources available to them for determination of the suitability of applicants. CPHA will reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

In order to determine the suitability of applicants CPHA will examine applicant history for the past five years. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent

CPHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. CPHA may ask if they would rent to the applicant family again.

Utility company balances owed as listed on the applicant's credit report.

If an applicant has no rental payment history CPHA will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide CPHA with personal references. The references may be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant may also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or the utility company do not respond to requests from CPHA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

# Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

Landlord references for the past five years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

A personal reference may be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant may also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors.

Home visits may be used to determine the applicant's ability to care for the unit.

# CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

CPHA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

# Consideration of Circumstances [24 CFR 960.203(c) (3) and (d)]

HUD authorizes CPHA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event CPHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, CPHA may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

CPHA will consider the following factors when making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of admission may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

CPHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application [24 CFR 960.203(c) (3) (i)]

HUD permits CPHA to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which warrants denial of admission, to not reside in the unit.

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

After admission to the program, the family must present evidence of the former family member's current address upon CPHA request.

Reasonable Accommodation [PH Occ. GB, pp. 58-60]

If the family includes a person with disabilities, CPHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, CPHA will determine whether the behavior is related to the disability. If so, upon the family's request, CPHA will determine whether alternative measures are appropriate as a reasonable accommodation. CPHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 1for a discussion of reasonable accommodation.

#### NOTICE OF ELIGIBILITY OR DENIAL

CPHA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 3-III.E.

If CPHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before CPHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, CPHA will notify the family in writing of the proposed denial and provide a copy of the record (only in person) to the applicant and to the subject of the record. The family will be given 10 calendar days to dispute the accuracy and relevance of the information. If the family does not contact CPHA to dispute the information within that 10 day period, CPHA will proceed with issuing the notice of denial of admission. A family that does not agree with the denial shall be given the opportunity to appeal the denial at the next regular Board of Commissioners monthly meeting.

Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

# **EXHIBIT 2-1: DETAILED DEFINITIONS RELATED TO DISABILITIES**

#### Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions.

• Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months

In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i) (1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

• Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C.6001(8)], which defines developmental disability in functional terms as:

A severe, chronic disability of a person 5 years of age or older which:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments
- Is manifested before the person attains age twenty-two
- Is likely to continue indefinitely
- Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency
- Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided."
- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

# Individual with Handicaps [24 CFR 8.3]

*Individual with handicaps* means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

- (1) Physical or mental impairment includes:
  - (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including

speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine

- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- (2) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) Is regarded as having an impairment means:
  - (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation
  - (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment
  - (c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment

#### APPLYING FOR ADMISSION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Policy.

#### THE APPLICATION PROCESS

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b) (2) (ii), 24 CFR 960.202(a) (2) (iv), and PH Occ. GB, p. 68]. HUD permits CPHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by CPHA.

Applications are accepted at the housing office located at: 10950 N. 87<sup>th</sup> Ave, Peoria, AZ 85345

Hand or typewritten, or by internet, when available.

The application process will involve two phases:

- 1. The first is the "application for admission". This first phase is to determine the family's eligibility for, and placement on, the waiting list. The application will be dated, time-stamped.
- 2. The second phase is the "final determination of suitability for admission". When the family reaches the top of the waiting list, the PHA ensures that verification of all HUD and PHA eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

#### "INITIAL" APPLICATION PROCESS

The application is taken in person or by mail and the data is entered into the computer.

The purpose of the application is to permit the PHA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

The application will contain questions designed to obtain the following information:

- 1. Names of head and spouse
- 2. Names and ages of all members
- 3. Number of family members (used to estimate bedroom size needed)
- 4. Citizenship status
- 5. Street address and phone numbers
- 6. Mailing address (If PO Box or other permanent address)
- 7. Annual income
- 8. Source(s) of income received by household members to determine preference qualification
- 9. Information regarding request for reasonable accommodation or for accessible unit
- 10. Social Security Numbers
- 11. Race/ethnicity
- 12. Questions regarding previous participation in HUD programs
- 13. Arrest or convictions for drug-related and/or other criminal acts

Submission of waiting list applications will not require interviews. Information on the application, except HUD's Debts Owed to Public Housing Agencies and Terminations check and criminal background, will not be verified until the applicant has been selected for final eligibility determination.

Applicants must inform the PHA in writing, within ten (10) calendar days, of changes in family composition, income, and address. Applicants are also required to respond to requests from the PHA to update information on their application, or to determine their continued interest in assistance.

Failure to provide information or to respond to mailings (CPHA is not responsible for lost or misdirected mail) within 10 calendar days will result in the applicant being removed from the waiting list.

Multiple Families in Same Household

When families apply that consist of two families living together (such as mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

# NOTIFICATION OF APPLICANT STATUS

If after a review of the application the family is determined to be preliminarily eligible, they will be notified in writing (in an accessible format upon request, as a reasonable accommodation).

This written notification of preliminary eligibility will be mailed to the applicant by first class mail or distributed to the applicant in the manner requested as a specific accommodation.

If the family is determined to be ineligible based on the information provided in the application, the PHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. See Chapter on "Complaints, Grievances and Appeals".

#### Requirement to Attend Interview

The PHA utilizes the eligibility interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available.

The head of household and the spouse/co-head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

Exceptions may be made for students attending school out of state/or member for whom attendance would be a hardship.

If an applicant fails to appear for their interview without prior approval of the PHA, a second interview will then be scheduled. If an applicant fails to appear for a rescheduled appointment, the application will be denied unless they can provide acceptable documentation to the PHA that an emergency prevented them from calling.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

If an application is denied due to failure to attend the interview, the applicant will be notified in writing and offered an opportunity to request an informal hearing (see Chapter on Complaints, Grievances and Appeals).

All household members (at least 18 years of age) and older, must sign form HUD-9886, "Release of Information", the declarations and consents related to citizenship/immigration status and any other documents required by the PHA.

Applicants will be required to sign specific verification forms for information that is not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and releases as required by the PHA.

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculation.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing.

The family will be given ten (10) calendar days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See Chapter on Complaints, Grievances and Appeals).

# PROCESSING APPLICATIONS

The following items may be verified to determine qualification for waitlist placement to the PHA's housing:

- 1. Annual Income
- 2. Debts owed to or termination by another assisted housing program
- 3. Citizenship or eligible immigration status
- 4. Criminal History Report

The following items will be verified to determine qualification for admission to the PHA's housing:

- 1. Family composition and type (elderly/non/elderly)
- 2. Annual Income
- 3. Assets and Asset Income
- 4. Deductions from Annual Income
- 5. Social Security Numbers of all family members
- 6. Information used in applicant screening
- 7. Citizenship or eligible immigration status
- 8. Criminal History Report

# NOTIFICATION OF FINAL DETERMINATION
After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the tenant suitability determination (see Chapter on Eligibility for Admission).

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that affect an applicant's eligibility, it is necessary to make final eligibility determination.

The household is not actually eligible for a unit offer until a final determination has been made, even though they may have been preliminarily determined eligible and may have been listed on the waiting list.

Any time after final eligibility determination, applicants must report changes, in writing, within ten (10) calendar days of the change. If the family did not report the change within the required time frame, the family may be determined ineligible and offered an opportunity for informal hearing.

#### ACCESSIBILITY OF THE APPLICATION PROCESS

CPHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard CPHA application process.

#### Disabled Populations [24 CFR 8; PH Occ. GB, p. 68]

CPHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or CPHA must provide an alternate approach that provides equal access to the application process. Chapter 2 provides a full discussion of CPHA's policies related to providing reasonable accommodations for people with disabilities.

#### Limited English Proficiency

CPHA is required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on CPHA's policies related to ensuring access to people with limited English proficiency (LEP).

## PLACEMENT ON THE WAITING LIST

CPHA must review each completed application received and make a preliminary assessment of the family's eligibility. CPHA must place on the waiting list families for whom the list is open unless CPHA determines the family to be ineligible. Where the family is determined to be ineligible, CPHA must notify the family in writing [24 CFR 960.208(a); PH Occ. GB, p. 41]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

#### Ineligible for Placement on the Waiting List

If CPHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, CPHA will send written notification of the ineligibility determination within 10 calendar days of receiving a completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 13).

#### Eligible for Placement on the Waiting List

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to CPHA preference(s) and the date and time their complete application is received by CPHA.

CPHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to CPHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

## TENANT SELECTION AND ASSIGNMENT PLAN

It is the PHA's policy that each applicant shall be assigned an appropriate place on a site based waiting list. Applicants will be listed in sequence based upon date and time the application is received, verified preferences and the size, location and type of unit they are eligible for and de-concentration efforts.

In filling an actual or expected vacancy, the PHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of accomplishing de-concentration of poverty and income-mixing objectives. The PHA will offer the unit until it is accepted.

## MANAGING THE WAITING LIST

PHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is the PHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

When appropriate units are available, families will be selected from the waiting list in their determined sequence.

By maintaining an accurate waiting list, the PHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner.

Based on the PHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool". Selection from the pool will be based on completion of verification.

## ORGANIZATION OF THE WAITING LIST

The PHA will administer its waiting list as required by 24 CFR Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

- 1. The application will be a permanent file.
- 2. All applicants in the pool will be maintained by date, time sequence, preferences and bedroom size.
- 3. All applicants must meet applicable income eligibility requirements as established by HUD.

#### OPENING AND CLOSING THE WAITING LIST

The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The PHA may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit and the ability of the PHA to house an applicant in an appropriate unit within a reasonable period of time.

When the PHA opens the waiting list, the PHA will advertise through public notice and in the following newspapers, minority publications and media entities location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media and organizations including:

## 1. Peoria Times

The notice will contain:

- The dates, times, and the locations where families may apply
- The name of the program(s) for which applications will be taken
- Limitations, if any, on who may apply

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the PHA address and telephone number, and referral to resources to obtain information concerning how to submit an application, information on eligibility requirements and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline.

FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

CPHA should conduct outreach as necessary to ensure that CPHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that CPHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires CPHA to serve a specified percentage of extremely low income families, CPHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

CPHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

CPHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

CPHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in CPHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

## REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform CPHA immediately of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

#### UPDATING THE WAITING LIST

HUD requires CPHA to establish policies to use when removing applicant names from the waiting list [24 CFR 960.202(a) (2) (iv)].

## Removal and Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to CPHA's request for information or updates because of the family member's disability, CPHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ. GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

The waiting list will be updated by mail as needed to ensure that all applicants and applicant information is current and timely. The mailing will also be used as a confirmation of continued interest.

If an applicant fails to respond within ten (10) calendar days s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the sealed envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply with the proscribed period; or the failure to respond was due to a medical emergency, death in the family, or a natural disaster.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

Applicants are notified with confirmation of CPHA's receipt of their application that they are responsible for notifying the PHA within ten (10) calendar days, if they have a change of address.

#### TENANT SELECTION

#### SELECTION METHOD

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the ACOP.

#### Local Preferences [24 CFR 960.206]

Local preferences will be used to select families from the waiting list.

The PHA has selected the following system to apply local preferences.

- All preferences will be weighted as priority one (1) and will be organized by date and time as established by the date of the application.
- Single applicants will be treated as any other eligible family on the PHA waiting list.

## Income Targeting Requirement [24 CFR 960.202(b)]

The PHA will monitor its admissions to ensure that at least 40 percent (40%) of families admitted to public housing in each fiscal year shall have incomes that do not exceed thirty percent (30%) of area median income of the PHA's jurisdiction. Hereafter, families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families".

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that admissions of extremely low income families to the PHA's voucher program during a PHA fiscal year exceeds

the 75 percent minimum targeting requirement for the PHA's Section 8 Voucher Program. This fungibility provision discretion by the PHA is also reflected in the PHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

- 1. The number of units equal to 10 percent (10%) of the number of newly available vouchers in the fiscal year; or
- 2. The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

#### The Fungibility Floor

Regardless of the above two amounts, in a fiscal year, at least 30% of the PHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the PHA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility shall only be utilized if the PHA is anticipated to fall short of its 40% goal for new admissions to public housing.

#### Low Income Family Admissions

Once the PHA has met the 40% targeted income requirement for new admissions of extremely low-income families, the PHA will fill the remainder of its new admission units with families whose incomes do not exceed 80% of the HUD approved area median income.

## Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or CPHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. CPHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. CPHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, CPHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. CPHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

#### Units Designated for Elderly or Disabled Families [24 CFR 945]

CPHA may designate projects or portions of a public housing project specifically for elderly or disabled families. CPHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, CPHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, CPHA may allow near-elderly families to occupy the units [24 CFR 945.303(c) (1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, CPHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 90 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or

placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

De-concentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

CPHA's admission policy must be designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of CPHA's de-concentration policies must be in included in its annual plan [24 CFR 903.7(b)].

CPHA's de-concentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c) (5)].

Developments subject to the de-concentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

#### Order of Selection [24 CFR 960.206(e)]

Local preferences will be used to select families from the waiting list.

The PHA has selected the following system to apply local preferences.

- All preferences will be weighted as priority one (1) and will be organized by date and time as established by the date of the application.
- Single applicants will be treated as any other eligible family on the PHA waiting list.

#### NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, CPHA must notify the family.

CPHA will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time, and location of the scheduled application interview

Who is required to attend the interview

Documents that must be provided at the interview to document the legal identity of all household members, including information about what constitutes acceptable documentation, eligibility for a preference, if applicable and other information that should be brought to the interview

If a notification letter is returned to CPHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents CPHA from making an eligibility determination; therefore no informal review will be offered.

THE APPLICATION INTERVIEW

HUD recommends that CPHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household, spouse, co-head and all adult members are required to attend the interview together.

The interview will be conducted only if all adult members provide appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, CPHA will proceed with the interview. If CPHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, CPHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 calendar days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible non-citizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 2).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, CPHA will provide translation services in accordance with CPHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact CPHA in advance of the interview to schedule a new appointment. Applicants who fail to attend two scheduled interviews without CPHA approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. Such failure to act on the part of the applicant prevents CPHA from making an eligibility determination; therefore CPHA will not offer an informal review.

#### FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

CPHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including CPHA suitability standards, CPHA must make a final determination of eligibility (see Chapter 2).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

CPHA will notify a family in writing of their eligibility within 10 calendar days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

CPHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal review on such determination [24 CFR 960.208(a)].

If CPHA determines that the family is ineligible, CPHA will send written notification of the ineligibility determination within 10 calendar days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (see Chapter 14).

If CPHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the CPHA can move to deny the application. See Section 2-III.F. for CPHA's policy regarding such circumstances.

#### **OCCUPANCY GUIDELINES**

#### DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, CPHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. CPHA is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ. GB, p. 62].

Although CPHA does determine the size of unit the family qualifies for under the occupancy standards, CPHA does not determine who shares a bedroom/sleeping room.

CPHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The PHA's Occupancy Guidelines standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is a person 18 years or older.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

Generally the PHA will assign units so that it will not be required for persons of different generations or of the opposite gender (other than spouses (including significant others)), or otherwise unrelated adults to occupy the same bedroom. Children of the opposite gender under five (5) years of age may occupy the same bedroom.

Foster children will be included in determining unit size only if they will be in the unit for more than six (6) months.

Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.

Space will not be provided for a family member who will be absent 6 months or more per year and is not a student.

Single person families shall be allocated to a one bedroom.

CPHA will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
1	1	2

3	3	6
4	4	8

## EXCEPTIONS TO OCCUPANCY STANDARDS

#### Types of Exceptions

CPHA will consider granting exceptions to the occupancy standards at the family's request if CPHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances. For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities.

When evaluating exception requests CPHA will consider the size and configuration of the unit. In no case will CPHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least one (1) year.

To prevent vacancies, CPHA may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

#### **Processing of Exceptions**

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, CPHA will encourage the resident to make the request in writing. However, CPHA will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

CPHA will notify the family of its decision within 10 calendar days of receiving the family's request.

#### NUMBER OF OFFERS

The first qualified applicant in sequence on the waiting list will be made an offer of a unit of the appropriate size. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy. If the offer is rejected, the applicant will be offered the next suitable unit (second offer) that becomes available, whether it is at the same location as the first offer or at another location.

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

When an applicant rejects (2) unit offers, the PHA will relocate the applicant's name to the bottom of the waiting list or withdraw at applicant request.

TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

Applicants must accept (within 48 hours) a unit when offered or risk losing the unit to another applicant.

#### **REFUSALS OF UNIT OFFERS**

#### Good Cause for Unit Refusal

An elderly or disabled family may decline an offer for an accessible unit. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

Applicants may refuse to accept a unit offer for "good cause." Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities

The family demonstrates to CPHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption

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

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

CPHA will require documentation of good cause for unit refusals.

#### Unit Refusal Without Good Cause

When an applicant rejects the final unit offer without good cause, CPHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal review and the process for doing so (see Chapter 13).

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until CPHA opens the waiting list.

## ACCESSIBLE UNITS [24 CFR 8.27]

CPHA must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable non-discriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant CPHA must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under CPHA's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, CPHA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, CPHA will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, CPHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

#### COMPLAINTS, GRIEVANCES AND APPEALS

#### INFORMAL REVIEW PROCESS [24 CFR 960.208(a) and PH Occ. GB, p. 58]

Informal reviews are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal reviews are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same process afforded tenants in the CPHA grievance procedure [24 CFR 966.53(a) and PH Occ. GB, p. 58].

Informal reviews provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

#### Use of Informal Review Process

While CPHA must offer the opportunity of an informal review to applicants who have been determined as ineligible for admission, CPHA could make the informal review process available to applicants who wish to dispute other CPHA actions that adversely affect them.

CPHA will only offer informal reviews to applicants for the purpose of disputing denials of admission.

#### Notice of Denial [24 CFR 960.208(a)]

CPHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for CPHA decision, and must also state that the applicant may request an informal review to dispute the decision. The notice must describe how to obtain the informal review.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 2-III.F. for details concerning this requirement.

Scheduling an Informal Review

A request for an informal review must be made in writing and delivered to CPHA either in person or by first class mail, by the close of the business day, no later than 10 calendar days from the date of CPHA's notification of denial of admission.

CPHA must schedule and send written notice of the informal review within 10 business days of the family's request.

Conducting an Informal Review [PH Occ. GB, p. 58]

The informal review will be conducted by a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written objections to the decision of CPHA.

The person conducting the informal review will make a recommendation to CPHA, but CPHA is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision [PH Occ. GB, p. 58]

CPHA will notify the applicant of CPHA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, CPHA may evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in CPHA policy, then the decision to deny assistance will be overturned. See Chapter 2 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. CPHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, CPHA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, CPHA may consider the recommendation of the person conducting the informal review in making the final decision whether to deny admission.

CPHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 business days of the informal review, to the applicant and his or her representative, if any.

If the informal review decision overturns the denial, processing for admission will resume.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal review process and CPHA must consider such accommodations. CPHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability.

#### HEARING AND APPEAL PROVISIONS FOR NON-CITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while CPHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or CPHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance for non-citizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for pro-ration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with CPHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

• For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When CPHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, CPHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide CPHA with a copy of the written request for appeal and proof of mailing.

CPHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide CPHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to CPHA, of its decision. When the USCIS notifies CPHA of the decision, CPHA must notify the family of its right to request an informal hearing.

CPHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that CPHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of CPHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

## Informal Hearing Officer

CPHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

## Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of CPHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of CPHA documents no later than 12:00 p.m. two business days prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by CPHA, and to confront and cross-examine all witnesses on whose testimony or information CPHA relies.

## Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or CPHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, CPHA is still obligated to provide oral translation services in accordance with its LEP Plan.

## Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. CPHA may, but is not required to provide a transcript of the hearing.

CPHA will not provide a transcript of an audio taped informal hearing.

## Hearing Decision

CPHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

## Retention of Documents [24 CFR 5.514(h)]

CPHA must retain for a minimum of 3 years the following documents that may have been submitted to CPHA by the family, or provided to CPHA as part of the USCIS appeal or CPHA informal hearing process:

- The application for assistance
- The form completed by the family for income re-certification
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that CPHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of CPHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

**GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS** 

## REQUIREMENTS [24 CFR 966.52]

CPHA must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any CPHA action or failure to act involving the lease or CPHA policies which adversely affect their rights, duties, welfare, or status.

CPHA grievance procedure must be included in, or incorporated by reference in, the lease.

CPHA grievance procedure will be incorporated by reference in the tenant lease.

CPHA must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in CPHA grievance procedure, and providing an opportunity to present written comments. Comments submitted must be considered by CPHA before adoption of any grievance procedure changes by CPHA.

Residents and resident organizations will have 30 calendar days from the date they are notified by CPHA of any proposed changes in CPHA grievance procedure, to submit written comments to CPHA.

CPHA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

## DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a) (2) (i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- Grievance any dispute which a tenant may have with respect to CPHA action or failure to act in accordance with the individual tenant's lease or CPHA regulations which adversely affect the individual tenant's rights, duties, welfare or status
- Complainant any tenant whose grievance is presented to CPHA or at the project management office
- Due Process Determination a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- Elements of Due Process an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
  - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
  - Right of the tenant to be represented by counsel
  - Opportunity for the tenant to refute the evidence presented by CPHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
  - A decision on the merits
- Hearing Officer/Panel a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto
- Tenant the adult person (or persons) (other than a live-in aide)
  - Who resides in the unit, and who executed the lease with CPHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
  - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- Resident Organization includes a resident management corporation

## APPLICABILITY [24 CFR 966.51]

Potential grievances could address most aspects of CPHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to CPHA. It is not applicable to disputes between tenants not involving CPHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of CPHA.

If HUD has issued a due process determination, CPHA may exclude from CPHA grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

• Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of CPHA

- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony arrest or conviction of a household member

CPHA must grant opportunity for grievance hearings for all lease terminations, regardless of cause, but may use expedited grievance procedures, as described in Section 13-III.E. below, to deal with the first two of the above three categories of lease terminations.

See Chapter 12 for related policies on the content of termination notices.

## INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to CPHA office so that the grievance may be discussed informally and settled without a hearing.

CPHA will accept requests for an informal settlement of a grievance in writing, to CPHA office within 5 calendar days of the grievable event. Within 14 calendar days of receipt of the request CPHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, CPHA will not reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in CPHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

CPHA will prepare a summary of the informal settlement within 5 calendar days; one copy to be mailed to the tenant and one copy to be retained in CPHA's tenant file.

## PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal settlement process to the hearing officer/panel, the hearing officer/panel may waive this provision [24 CFR 966.55(d)].

The complainant must submit the request in writing for a grievance hearing within a reasonable time after receipt of the summary of informal discussion [24 CFR 966.55(a)]. The request must specify the reasons for the grievance and the action or relief sought.

The resident must submit a written request for a grievance hearing to CPHA within 5 calendar days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, CPHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest CPHA's action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

## Escrow Deposits [24 CFR 966.55(e)]

Before a hearing is scheduled in any grievance involving the amount of rent that CPHA claims is due, the family must pay an escrow deposit to CPHA. When a family is required to make an escrow deposit, the amount is the

amount of rent CPHA states is due and payable as of the first of the month proceeding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

CPHA must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless CPHA waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest CPHA's disposition of the grievance in any appropriate judicial proceeding.

CPHA will not waive the escrow requirement for grievances involving rent amounts except where required to do so by regulation.

Scheduling of Hearings [24 CFR 966.55(f)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably convenient to both the complainant and CPHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and appropriate CPHA official.

Within 14 calendar days of receiving a written request for a hearing, a hearing officer will be contacted to schedule the hearing and a written notice of the hearing sent to the complainant.

CPHA may wish to permit the tenant to request to reschedule a hearing for good cause.

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made in writing two business days prior to the hearing date. At its discretion, CPHA may request documentation of the "good cause" prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.55(g)]

CPHA does not offer expedited grievances for any grievance concerning a termination of tenancy or eviction.

## SELECTION OF HEARING OFFICER [24 CFR 966.55(b)]

The grievance hearing must be conducted by an impartial person or persons appointed by CPHA, other than the person who made or approved CPHA action under review, or a subordinate of such person.

CPHA must determine the methodology for appointment of the hearing officer and it must be stated in the grievance procedure.

## PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. This includes:

• The opportunity to examine before the grievance hearing any CPHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If CPHA does not make the document available for examination upon request by the complainant, CPHA may not rely on such document at the grievance hearing.

The tenant will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of CPHA documents no later than 12:00 p.m. two business days prior to the hearing.

• The right to be represented by counsel or other person chosen as the tenant's representative and to have such person makes statements on the tenant's behalf.

Hearings may be attended by the following applicable persons:

CPHA representative(s) and any witnesses for CPHA The tenant and any witnesses for the tenant The tenant's counsel or other representative Any other person approved by CPHA as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by CPHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information CPHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

## Decision without Hearing [24 CFR 966.56(c)]

The hearing officer/panel may render a decision without proceeding with the hearing if the hearing officer/panel determines that the issue has been previously decided in another proceeding.

## Failure to Appear [24 CFR 966.56(d)]

If the complainant or CPHA fails to appear at a scheduled hearing, the hearing officer/panel may make a determination to postpone the hearing for not to exceed five calendar days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the CPHA must be notified of the determination by the hearing officer/panel: Provided, That a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the CPHA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 15 minutes. If the tenant appears within 15 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact CPHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer may reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procedures [24 CFR 966.56(e), (f), and (g)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter CPHA must sustain the burden of justifying CPHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)].

The hearing must be conducted informally by the hearing officer/panel. CPHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raise by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to CPHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

*Hearsay Evidence* is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If the CPHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine CPHA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of CPHA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer/panel must require CPHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer/panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant or CPHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

If the complainant would like CPHA to record the proceedings by audiotape, the request must be made to CPHA by 12:00 p.m. two business days prior to the hearing.

CPHA will consider that an audio tape recording of the proceedings is a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]

CPHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 1 for a thorough discussion of CPHA's responsibilities pertaining to reasonable accommodation.

## DECISION OF THE HEARING OFFICER [24 CFR 966.57]

The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and CPHA. CPHA must retain a copy of the decision in the tenant's folder. A copy of the decision, with all names and identifying references deleted, must also be maintained on file by CPHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer/panel [24 CFR 966.57(a)].

In rendering a decision, the hearing officer will consider the following matters:

CPHA Notice to the Family: The hearing officer will determine if the reasons for CPHA's decision are factually stated in the notice.

Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with CPHA policy.

CPHA Evidence to Support the CPHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support CPHA's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and CPHA policies. If the grounds for termination are not specified in the regulations or in compliance with CPHA policies, then the decision of CPHA will be overturned.

The hearing officer will issue a written decision to the family and CPHA no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

Name of the complainant Date, time and place of the hearing Name of the hearing officer Name of CPHA representative(s) Name of family representative (if any) Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold CPHA's decision.

Order: The hearing report will include a statement of whether CPHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct CPHA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct CPHA to restore the family's status.

## Procedures for Further Hearing

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of CPHA will take effect and another hearing will not be granted.

#### Final Decision [24 CFR 966.57(b)]

A decision by the hearing officer/panel in favor of the PHA or which denies the relief requested by the tenant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, the rights of the tenant to a trial or judicial review in any proceedings which may thereafter by brought in the matter [24 CFR 966.57(c)].

#### COMPLAINTS FROM FAMILIES

If a family disagrees with an action or inaction of the PHA, complaints will be referred to the Area Housing Manager via the Tenant Grievance Procedure.

#### COMPLAINTS FROM STAFF

If a staff person reports a family is violating or has violated a lease provision or is not complying with program rules, the complaints will be referred to the Property Manager.

## COMPLAINTS FROM THE GENERAL PUBLIC

Complaints or referrals from persons in the community in regard to the PHA or a family will be referred to the Property Manager, Director of Property Management or the Fraud Hot Line.

Anonymous complaints will be checked whenever possible.

## **COMMUNITY SERVICE**

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)].

In administering community service requirements, CPHA must comply with all non-discrimination and equal opportunity requirements [24 CFR 960.605(c) (5)].

## REQUIREMENTS

Each adult resident of CPHA, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. CPHA will make the determination of whether to permit a deviation from the schedule.

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify CPHA in writing immediately. CPHA will review the request and notify the individual, in writing, of its determination within 10 calendar days. CPHA may require those individuals to provide documentation to support their claim.

## Definitions

## Exempt Individual [24 CFR 960.601(b)]

An exempt individual is an adult who:

- Is age 62 years or older;
- Is blind or disabled (as defined under section 216[i][l] or 1614 of the Social Security Act), and who certifies that because of this disability they are unable to comply with the service provisions;
- Is a primary caretaker of such an individual;
- Is engaged in work activities;

CPHA will consider 25 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

CPHA will consider the spouse of a working adult to be exempt if there are pre-school children in the household.

- Meets the requirements for being exempted from having to engage in a work activity under the State Program funded under part A of title IV of the Social Security Act, or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or
- Is a member of a family receiving assistance, benefits or services under a State Program funded under part A
  of title IV of the Social Security Act, or under any other welfare program of the State in which the PHA is
  located, including a State-administered Welfare-To-Work Program, and has not been found by the State or
  other administering entity to be in noncompliance with such program.

## Community Service [PH Occ. GB, p. 174]

*Community service* is volunteer work which includes, but is not limited to:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization that serves CPHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H programs, PAL, Garden Center, community clean-up programs, beautification programs, other youth or senior organizations
- Work at CPHA to help improve physical conditions
- Work at CPHA to help with children's programs
- Work at CPHA to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems, serving as an officer in a
  resident organization, serving on the resident advisory board

NOTE: Political activity is excluded for purposes of eligible community service activities.

#### Economic Self-Sufficiency Program [24 CFR 5.603(b)]

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as: Any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeships (formal or informal), or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

## Work Activities [42 U.S.C. 607(d)]

As it relates to an exemption from the community service requirement, work activities means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient
  private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate

Notification Requirements [24 CFR 960.605(c)(2)]

CPHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for CPHA verification of exempt status. CPHA must also notify the

family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt.

CPHA will provide the family with a copy of the Community Service Policy found in Exhibit 15 - 1 of this chapter, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request.

On an annual basis, approximately 60 days prior to the lease renewal, CPHA will notify the head of household in writing of the family members who have failed to meet their community service obligations. If the family is in the first year of the community service requirement CPHA will offer the family an opportunity to meet their obligation. If the family is in the second year of the community service requirement the notice will be a termination of the lease.

## DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

CPHA must review and verify family compliance with service requirements at least before the end of each month. The policy for documentation and verification of compliance with community service requirements may be found at Section 15 - I.D., Documentation and Verification.

Where the lease term does not coincide with the effective date of the annual re-certification, CPHA will change the effective date of the annual re-certification to coincide with the lease term. In making this change, CPHA will ensure that the annual re-certification is conducted within 12 months of the last annual re-certification.

#### Annual Determination

## Determination of Exemption Status

An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

At least ninety (90) days prior to lease renewal, CPHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or CPHA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, CPHA will notify the family of its determination in accordance with the policy in Section 15 - I.B., Notification Requirements.

#### Determination of Compliance

CPHA must review resident family compliance with service requirements at least ninety (90) days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, CPHA must verify that any family member that is not exempt from the community service requirement has met their service obligation.

Approximately ninety (90) days prior to the end of the lease term, CPHA will provide written notice informing the head of any documentation needed to verify family members who have complied with the service requirement. The family will have ten (10) calendar days to submit CPHA required documentation form(s).

If the family fails to submit the required documentation within the required timeframe, or CPHA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 15 - I.E., Noncompliance.

## Change in Status Between Annual Determinations

Exempt to Non-Exempt Status

If an exempt individual becomes non-exempt during the twelve (12) month lease term, it is the family's responsibility to report this change to CPHA immediately.

CPHA will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following thirty (30) days notice.

Non-Exempt to Exempt Status

If a non-exempt person becomes exempt during the twelve (12) month lease term, it is the family's responsibility to report this change to CPHA immediately. Any claim of exemption will be verified by CPHA in accordance with the policy at 15 - I.D., Documentation and Verification of Exemption Status.

CPHA will provide the family written notice that the family member is no longer subject to the community service requirement, if CPHA is able to verify the exemption.

The exemption will be effective immediately.

DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

CPHA must retain reasonable documentation of service requirement performance or exemption in participant files.

Documentation and Verification of Exemption Status

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 15 - 3. CPHA will provide a completed copy to the family and will keep a copy in the tenant file.

CPHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

CPHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with CPHA's determination, they can dispute the decision through CPHA's grievance procedures (see Chapter 12).

Documentation and Verification of Compliance

If qualifying community service activities are administered by an organization other than CPHA, a family member who is required to perform community service must provide CPHA with a (Exhibit 15 - 4) completed by the organization timesheet, that the family member has performed the qualifying activities [24 CFR 960.607].

If anyone in the family is subject to the community service requirement, CPHA will provide the family with a community service timesheet at admission or when a family member becomes subject to the community service requirement during the lease term, or upon request by the family.

Each individual who is subject to the requirement will be required to return a completed timesheet for their community service or self-sufficiency activities and the number of hours contributed monthly. The timesheet will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.

If CPHA has reasonable cause to believe that the timesheet provided by the family is false or fraudulent, CPHA has the right to require third-party verification.

CPHA will randomly verify family's community service obligations.

## NONCOMPLIANCE

## Initial Noncompliance

The lease specifies it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the community service requirement is grounds for non-renewal of the lease at the end of the twelve (12) month lease term, but not for termination of tenancy during the course of the twelve (12) month lease term [24 CFR 960.603(b)].

If the tenant or another family member has violated the community service requirement, CPHA may not renew the lease upon expiration of the twelve (12) month term of the lease, unless the tenant and any other non-compliant family member enter into a written agreement with CPHA. Under this agreement the tenant or non-compliant family member must agree to cure the non-compliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve (12) month term of the new lease. In addition, all other members of the family who are subject to the community service requirement must be currently complying with the community service requirement or must no longer be residing in the unit [24 CFR 960.607(c)].

## Notice of Initial Non-compliance [24 CFR 960.607(b)]

If CPHA determines that there is a family member who is required to perform community service requirement, but who has failed to comply with this obligation (non-compliant resident), CPHA must notify the tenant of this determination.

The notice to the tenant must briefly describe the non-compliance. The notice must state that CPHA will not renew the lease at the end of the twelve (12) month lease term unless the tenant, and any other non-compliant resident, enter into a written agreement with CPHA to cure the non-compliance, or the family provides written assurance satisfactory to CPHA that the tenant or other non-compliant resident no longer resides in the unit.

The notice must also state that the tenant may request a grievance hearing on CPHA's determination, in accordance with CPHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for CPHA's non-renewal of the lease because of CPHA's determination.

The notice of initial non-compliance will be sent at least ninety (90) days prior to the end of the lease term.

The family will have ten (10) calendar days from the date of the notice of non-compliance to enter into a written agreement to cure the non-compliance over the twelve (12) month term of the new lease, provide documentation that the non-compliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a non-compliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before CPHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of non-compliance within the required ten (10) calendar day timeframe, CPHA will terminate tenancy in accordance with the policies in Chapter 12.

## Continued Non-compliance [24 CFR 960.607(b)]

If, after the twelve (12) month cure period, the family member is still not compliant, CPHA must terminate tenancy of the entire family, according to CPHA's lease, unless the family provides documentation that the non-compliant resident no longer resides in the unit.

Notices of continued non-compliance will be sent at least ninety (90) days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Chapter 12.

The family will have ten (10) calendar days from the date of the notice of non-compliance to provide documentation that the non-compliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a non-compliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before CPHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the non-compliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required ten (10) calendar day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

#### IMPLEMENTATION OF COMMUNITY SERVICE

#### OVERVIEW

CPHA must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in CPHA's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

#### **CPHA Implementation of Community Service**

CPHA may not substitute any community service or self-sufficiency activities performed by residents for work ordinarily performed by CPHA employees, or replace a job at any location where residents perform activities to satisfy the service requirement [24 CFR 960.609].

CPHA will notify its insurance company if residents will be performing community service at CPHA. In addition, CPHA will ensure that the conditions under which the work is to be performed are not hazardous.

If a disabled resident certifies that they are able to perform community service, CPHA will ensure that requests for reasonable accommodation are handled in accordance with the policies.

#### **CPHA Program Design**

CPHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

CPHA will attempt to provide the broadest choice possible to residents as they choose community service activities.

CPHA's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. CPHA will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

CPHA will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, CPHA will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations.

Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in CPHA Plan.

CPHA will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

EXHIBIT 15 - 1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY & LEASE ADDENDUM

## A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the public housing lease.

## B. Definitions

Community Service – volunteer work that includes, but is not limited to:

- Work at a local institution, including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization such as: Parks and Recreation, United Way, Red Cross, Volunteers of America, Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H Program, PAL, Garden Center, community clean-up programs, beautification programs, other counseling, aid, youth or senior organizations
- Work at the housing authority to help with litter control
- Work at the housing authority to help with children's programs
- Work at the housing authority to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems
- Serving as an officer in a resident organization
- Serving on the Resident Advisory Board

*NOTE:* Political activity is excluded.

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

- Job readiness programs
- Job training programs
- GED classes
- Substance abuse or mental health counseling
- English proficiency or literacy (reading) classes
- Apprenticeships
- Budgeting and credit counseling
- Any kind of class that helps a person toward economic independence
- Student status at any school, college or vocation school

Exempt Adult – an adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under section 216[i][l] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the

primary caretaker of such an individuals

- Is working at least 25 hours per week
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program including a State-administered welfare-to-work program
- Is a member of a family receiving assistance, benefits or services under TANF or any other State welfare program and has not been found to be in noncompliance with such program
- Raising young (pre-school) children at home where spouse is working at least 25 hours per week
- C. Requirements of the Program
  - 1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
  - 2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The housing authority will make the determination of whether to allow or disallow a deviation from the schedule based on a family's written request.
  - 3. Family obligation:
    - At lease execution, all adult members (18 or older) of a public housing resident family must:
      - Sign a certification that they have received and read this policy and understand that if they are
        not exempt, failure to comply with the community service requirement will result in a
        nonrenewal of their lease; and
      - Declare if they are exempt. If exempt, they must complete the Exemption Form (Exhibit 11-3) and provide documentation of the exemption.
    - Upon written notice from the PHA, non-exempt family members must present complete documentation of activities performed during the applicable lease term. This documentation will include places for signatures of supervisors, instructors, or counselors, certifying to the number of hours contributed.
    - If a family member is found to be noncompliant at the end of the 12-month lease term, he or she, and the head of household, will be required to sign an agreement with the housing authority to make up the deficient hours over the next twelve (12) month period, as a condition of continued occupancy.
  - 4. Change in exempt status:
    - If, during the twelve (12) month lease period, a non-exempt person becomes exempt, it is his or her responsibility to report this to the PHA and provide documentation of exempt status.
    - If, during the twelve (12) month lease period, an exempt person becomes non-exempt, it is his or her responsibility to report this to the PHA. Upon receipt of this information the PHA will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.
- D. Authority Obligation
  - 1. To the greatest extent possible and practicable, the CPHA will:
    - Provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations.
    - Provide in-house opportunities for volunteer work or self-sufficiency activities.

- 2. CPHA will provide the family with a copy of this policy, and all applicable exemption verification forms and community service timesheet forms, at lease-up or when a family member becomes subject to the community service requirement during the lease term, and at any time upon the family's request.
- 3. Although exempt family members will be required to submit documentation to support their exemption, CPHA will verify the exemption status in accordance with its verification policies. CPHA will make the final determination as to whether or not a family member is exempt from the community service requirement. Residents may use the CPHA's grievance procedure if they disagree with the CPHA's determination.
- 4. Noncompliance of family member:
  - At least ninety (90) days prior to the end of the twelve (12) month lease term, CPHA will begin reviewing the exempt or non-exempt status and compliance of family members;
  - If, at the end of the initial twelve (12) month lease term under which a family member is subject to the community service requirement, CPHA finds the family member to be noncompliant, CPHA will not renew the lease unless:
    - The head of household and any other noncompliant resident enter into a written agreement with CPHA, to make up the deficient hours over the next twelve (12) month period; or
    - The family provides written documentation satisfactory to the CPHA that the noncompliant family member no longer resides in the unit.
  - If, at the end of the next twelve (12) month lease term, the family member is still not compliant, a thirty (30) day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to CPHA that the noncompliant family member no longer resides in the unit;
  - The family may use CPHA's grievance procedure to dispute the lease termination.

All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.

Resident	Date
Resident	Date
Resident	Date
Resident	Date
CPHA Staff	Date

# EXHIBIT 15 - 2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(I) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

## **Social Security Act:**

**216(i)(1):** Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term "disability" means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

## Section 1416 (excerpt):

SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term "aged, blind, or disabled individual" means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

## **EXHIBIT 15-3:DETERMINATION OF EXEMPTION FOR COMMUNITY SERVICE**

## City of Peoria Housing Authority

## Public Housing Office – 2024 North 7<sup>th</sup> Street, Phoenix, Arizona 85006

Family:

Adult family member: \_\_\_\_\_

This adult family member meets the requirements for being exempted from CPHA's community service requirement for the following reason:

- **G** 62 years of age or older; (*Documentation of age in file*)
- □ Is a person with disabilities and self-certifies below that he or she is unable to comply with the community service requirement. (*Documentation of HUD definition of disability in file*)

**Tenant certification:** I am a person with disabilities and am unable to comply with the community service requirement.

Signature of Family Member

- □ Is the primary caretaker of such an individual in the above category; (Documentation in file)
- Is working at least 25 hours per week; (Employment verification in file)
- Raising young (preschool) children at home where spouse is working at least 25 hours per week;
   (Documentation of employment and age of children in file)
- □ Is participating in a welfare-to-work program; (*Documentation in file*).
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program, including a State-administered welfare-to-work program; (*Documentation in file*)
- Is a member of a family receiving assistance, benefits or services under TANF or any other State welfare program and has not been found to be in noncompliance with such program. (Documentation in file)

Signature of Family Member

Signature of PHA Official

Date

Date

Date

## **City of Peoria Housing Authority**

Public Housing Office – 10950 N. 87<sup>th</sup> Ave., Peoria, AZ 85345

## COMMUNITY SERVICE PROGRAM TIMESHEET

NAME:	CLIENT #:
ADDRESS:	MONTH:
APT #:	HOURS DUE:
Agency	
Address	This form is NOT VALID FOR COURT USE* Return to management office for

Contact Person/Phone No. \_\_\_\_\_

Г

verification and issuance of status report

\_\_\_\_\_

DATE	WORK RECORD HOURS	TOTAL	SUPERVISOR
	TO		

Agency Comments: \_\_\_\_\_

Total Hours Worked: \_\_\_\_\_\_ Supervisor (Signature approval of hours): \_\_\_\_\_\_

(I declare under penalty of perjury, under the laws of the State of Arizona, that the foregoing is true and correct)

## AZ038e01

## PETS

## ASSISTANCE ANIMALS [Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303]

## OVERVIEW

This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals.

Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as "service animals," "assistive animals," "support animals," or "therapy animals" – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to CPHA's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705].

## APPROVAL OF ASSISTANCE ANIMALS

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal [PH Occ. GB, p. 179].

CPHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occ. GB, p. 178].

CPHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ. GB, p. 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

CPHA has the authority to regulate assistance animals under applicable federal, state, and local law [24 CFR 5.303(b) (3); 960.705(b) (3)].

## AZ038e01

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and CPHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

## CARE AND HANDLING

HUD regulations do not affect any authority CPHA may have to regulate assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

Residents must care for assistance animals in a manner that complies with state and local laws, including anticruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of an assistance animal violates these policies, CPHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If CPHA determines that no such accommodation can be made, CPHA may withdraw the approval of a particular assistance animal.

PET POLICIES FOR ALL DEVELOPMENTS [24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

## OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

#### MANAGEMENT APPROVAL OF PETS

#### **Registration of Pets**

Pets must be registered with CPHA and Maricopa County before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual re-certification date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

#### **Refusal to Register Pets**

CPHA will refuse to register a pet if:

The pet is not *a common household pet* as defined below

Keeping the pet would violate any pet restrictions listed in this policy

The pet owner fails to provide complete pet registration information, or fails to update the registration annually

The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order

CPHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.
If CPHA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of CPHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with CPHA's grievance procedures.

#### Pet Lease Addendum

Residents who have been approved to have a pet must sign a pet lease addendum with CPHA, or the approval of the pet will be denied.

The pet lease addendum is the resident's certification that he or she has received a copy of CPHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet lease addendum that he or she understands that non-compliance with CPHA's pet policy and applicable house rules may result in the withdrawal of CPHA approval of the pet or termination of tenancy.

#### STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]

CPHA may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that CPHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

CPHA may not require pet owners to have any pet's vocal cords removed.

#### Definition of "Common Household Pet"

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize CPHA to define the term [24 CFR 5.306(2)].

*Common household pet* means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are **not** considered common household pets:

Reptiles (snakes of all varieties)	Insects
Rodents	Arachnids
Wild animals or feral animals	Pot Bellied Pigs
Animals used for commercial breeding	Exotic Animals

#### **Pet Restrictions**

The following animals are not permitted:

Any animal whose adult weight will exceed 30 pounds

Dogs of the pit bull, rottweiler, chow, or boxer breeds

Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations

Members of endangered species

Creatures which are inherently dangerous (such as tarantulas, piranha, etc.)

Any animal not permitted under state or local law or code

#### Number of Pets

Residents may own a maximum of 2 pets, only 1 of which may be a dog.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 20 gallons. Such a tank or aquarium will be counted as 1 pet.

#### **Other Requirements**

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual re-certification.

#### PET RULES

Pet owners must maintain pets responsibly, in accordance with CPHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

#### Pet Area Restrictions

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

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

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

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

#### Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH Occ GB, p. 182]

CPHA may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet-owning tenants.

CPHA may direct initial tenant moves as may be necessary to establish pet and no-pet areas. CPHA may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. CPHA may adjust the pet and no-pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

CPHA may not designate an entire development as a no-pet area, since regulations permit residents to own pets.

With the exception of common areas as described in the previous policy, CPHA has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, CPHA has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

#### Cleanliness

The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in a container provided by CPHA.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.

Litter shall not be disposed of by being flushed through a toilet.

Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

#### Noise

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

#### Pet Care

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage CPHA property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

#### **Responsible Parties**

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

A resident who cares for another resident's pet must notify CPHA and sign a statement that they agree to abide by all of the pet rules.

#### Pets Temporarily on the Premises

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by CPHA.

#### Pet Rule Violations

All complaints of cruelty and all dog bites will be referred to the Maricopa County Animal Control and/or the local municipal police department for investigation and enforcement.

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

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

That the pet owner has 7 calendar days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation

That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

#### Notice for Pet Removal

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

The notice will contain:

A brief statement of the factual basis for CPHA's determination of the pet rule that has been violated

The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice

A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

#### Pet Removal

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

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

#### **Termination of Tenancy**

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

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

#### Emergencies

CPHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

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

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

#### PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

#### PET DEPOSITS

Payment of Deposit

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d) (5)].

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the pet deposit is equal to the total tenant payment (TTP) at the time the pet agreement is signed, up to a maximum of \$150.00, and should be paid in full before the pet is brought on the premises.

Refund of Deposit [24 CFR 5.318(d) (1)]

CPHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. CPHA must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

CPHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

CPHA will provide the resident with a written list of any charges against the pet deposit within 10 calendar days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, CPHA will provide a meeting to discuss the charges.

#### **OTHER CHARGES**

Pet-Related Damages During Occupancy

All reasonable expenses incurred by CPHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 9-I.F, Maintenance and Other Charges. Pet deposits will not be applied to the costs of petrelated damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

The regulations do not address CPHA's ability to impose charges for house pet rule violations. However, charges for violation of CPHA pet rules may be treated like charges for other violations of the lease and CPHA tenancy rules.

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable the first day of the month after billing. If the family requests a grievance hearing within the required timeframe, CPHA may not take action for non-payment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

#### PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

#### PET DEPOSITS

CPHA that requires a resident to pay a pet deposit and must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. CPHA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

#### Payment of Deposit

Pet owners are required to pay a pet deposit in addition to any other required deposits. The pet deposit may be paid in increments of \$50.00. The first payment of \$50.00 must be paid prior to the execution of this lease addendum.

The pet deposit is not part of rent payable by the resident.

#### **Refund of Deposit**

CPHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

CPHA will provide the resident with a written list of any charges against the pet deposit within 10 calendar days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, CPHA will provide a meeting to discuss the charges.

CPHA does not require pet owners to pay a non-refundable nominal pet fee.

#### **OTHER CHARGES**

Pet-Related Damages During Occupancy

All reasonable expenses incurred by CPHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section, 9.1.F Maintenance and Other Charges. Pet deposits will not be applied to the costs of petrelated damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

# **Civil Rights Certification**

# **Annual Certification and Board Resolution**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

City of Peoria Public Housing Authority

AZ038

PHA Name

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any infor prosecute false claims and statements. Conviction may result in criminal	rmation prov and/or civil	wrovided in the accompaniment herewith, is true and accurate. Warning: HUD will vil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)	
Name of Authorized Official Cari	in Imig	g Title Interim Executive Direc	tor
Signature Carria Amig		Date 4-11-2011	

## AZ038g01

Item 8 – Violence Against Women Act

All public housing residents are made aware of the rights outlined in the Violence Against Women Act by signing the following lease addendum:

#### LEASE ADDENDUM VIOLENCE AGAINST WOMEN ACT

In January of 2006, a law was passed known as the Violence Against Women Act. The purpose of this addendum is to incorporate the provisions of this act regarding domestic violence, dating violence, and stalking, as hereinafter defined.

- An incident of actual or threatened domestic violence, dating violence, or stalking, shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence. Additionally, criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if and only if, the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking.
- 2. Not withstanding Section 1, or any Federal, State, or local law to the contrary, the Housing Authority may split a lease or remove a household member from a lease without regard to whether a household member is a signatory to a lease in order to evict, remove, or terminate occupancy rights of any individual who is a tenant or lawful occupant and who engaged in criminal acts of physical violence against family members or others without evicting, removing, or terminating occupancy rights or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction or removal of occupancy rights shall be effected in accordance with the procedures prescribed by Federal, State and local law.
- 3. Nothing in this section:
  - a. limits the Housing Authority from honoring court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;
  - b. limits the Housing Authority from evicting a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the Housing Authority does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict;
  - c. limits the Housing authority to terminate the tenancy of any tenant if the Housing Authority can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted;
  - d. supercedes any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.
- 4. All information the Housing Authority may request to confirm domestic violence, dating violence or stalking victim status, pursuant to Federal law, shall be retained in confidence by the Housing Authority, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is:
  - a) requested or consented to by the individual in writing,
  - b) required for use in an eviction proceeding; or
  - c) otherwise required by applicable law.
- 5. For the purpose of this amendment, the following definitions apply:
  - a. "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child

in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under domestic or family violence laws, or by an other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws.

- b. "dating violence" is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such relationship shall be determined based on a consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship;
- c. "stalking" is defined as following, pursuing, or repeatedly committing acts with the intent to kill, injure, harass, or intimidate another person; or placing under surveillance with the intent to kill injure, harass, or intimidate another person; and, in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, placing a person in reasonable fear of the death of, or serious bodily injury to, or causing substantial emotional harm to that person; a member of the immediate family of that person; or the spouse or intimate partner of that person.
- d. "immediate family member", with respect to a person, is identified as a spouse, parent, brother or sister, or a child of that person, or an individual to whom that person is legally responsible for; or any other person living in the household of that person and related to that person by blood or marriage.

**Tenant Signature** 

**Tenant Signature** 

Date

Date

runidan	TITE SALASSING AND A SUBJUCT A SUB-	INTOCATE			Expires 4/30/2011
Part I: Summary	ummary				
PHA Name: Peoria Hou	PHA Name: Grant Type and Number Capital Fund Program Grant No: AZ20P03850109 Replacement Housing Factor Grant No: Date of CFFP: Date of CFFP:	3850109			FFY of Grant: 2009 FFY of Grant Approval: 2009
Type of Grant					
Crigit Perfor	Uriginal Annual Statement L Reserve for Disasters/Emergencies Performance and Evaluation Report for Period Ending: 06/30/11		Revised Annual Statement (revision no: Final Performance and Evaluation Report	sion no: () on Report	
Line	Summary by Development Account	Tot	Total Estimated Cost		Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds	0			
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$ 4,000.00			
3	1408 Management Improvements	\$ 2,500.00		0	
4	1410 Administration (may not exceed 10% of line 21)	\$ 5,880.00		5880.00	3,360.02
5	1411 Audit	0			
9	1415 Liquidated Damages	0			
7	1430 Fees and Costs	0			
8	1440 Site Acquisition	0			
9	1450 Site Improvement	\$ 9,000.00		7560.50	7560.50
10	1460 Dwelling Structures	\$ 53,762.00		29,221.29	25,762.13
11	1465.1 Dwelling Equipment—Nonexpendable	\$ 4,000.00		3,597.13	3,597.13
12	1470 Non-dwelling Structures	0		0	
13	1475 Non-dwelling Equipment	\$ 21,000.00		663.95	663.95
14	1485 Demolition	0			
15	1492 Moving to Work Demonstration	0			
16	1495.1 Relocation Costs	0			
17	1400 Development Activities 4	U			

U.S. Department of Housing and Urban Development

Annual Statement/Performance and Evaluation Report

<sup>1</sup> To be completed for the Performance and Evaluation Report. <sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations. <sup>4</sup> RHF funds shall be included here.

Annual { Capital F Capital I	Annual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program	or and		U.S. Department of Hc Offic	U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011
Part I: Summary	ummary				
PHA Name: Peoria Housing Authority	te: Grant Type and Number using Capital Fund Program Grant No: AZ20P03850109 Replacement Housing Factor Grant No: Date of CFFP:		FFY	FFY of Grant:2009 FFY of Grant Approval: 2009	
Type of Grant					
Origi	Original Annual Statement	ncies	Revised /	Revised Annual Statement (revision no:	(
X Perfo	X Performance and Evaluation Report for Period Ending:		Einal Per	<b>Final Performance and Evaluation Report</b>	
Line	Summary by Development Account	Total Estimated Cost	ated Cost	Tota	Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA	0			
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment	0			
19	1502 Contingency (may not exceed 8% of line 20)	0			
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$ 100,142.00		46,922.87	40,943.73
21	Amount of line 20 Related to LBP Activities	0			
22	Amount of line 20 Related to Section 504 Activities	0			
23	Amount of line 20 Related to Security - Soft Costs	0			
24	Amount of line 20 Related to Security - Hard Costs	0			
25	Amount of line 20 Related to Energy Conservation Measures	\$ 26,750.00		8,917.39	8,917.39
Signatu	Signature of Executive Director D	te Signatu	Signature of Public Housing Director	Director	Date
)					

<sup>1</sup> To be completed for the Performance and Evaluation Report. <sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations. <sup>4</sup> RHF funds shall be included here.

Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program Annual Statement/Performance and Evaluation Report

U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011

PHA Name: Peoria Housing Authority	Re CF Ca	Grant Type and Number Capital Fund Program Grant No: AZ20P03850109 CFFP (Yes/ No): No Replacement Housing Factor Grant No:	No: AZ20P038501( - Grant No:	60	Federal	Federal FFY of Grant: 2009	601	
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	urk Development Account No.	Quantity	Total Estimated Cost	ed Cost	Total Actual Cost	Cost	Status of Work
AMP. 1-Parkview				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
Amp. 1	Operations	1406		4,000.00		0	0	
Amp. 1	Management Improvements	1408		2,500.00		0	0	
Amp. 1	Administration	1410		5,880.00		5,880.00	3,360.02	On-going
Amn 1	Desert I andscaning	1450	2 SFH			2,183.36	2,183.36	
+ ·	Block Fencing	1450	2 SFH			5,377.14	5,377.14	Complete
Amp. 1		Total 1450		9,000.00		7,560.50	7,560.50	
Amn. 1	HVAC units	1460	1 unit			3136.90	3,136.90	
	Replace bath fixtures	1460	2 units			1,690.00	1,690.00	
Amp. 1	Hot Water Heaters	1460	4			1,272.85	1,272.85	
Amp. 1	Interior Painting/cabinets/doors & repairs	spairs 1460	6 SFH			18,174.54	14715.38	
Amp. 1	Vacancy Rehab Supplies		9 Units			4,947.00	4,947.00	
	Total	Total 1460 1460	Total	\$53.762.00		29,221.29	25.762.13	ongoing

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program

U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011

PHA Name:								
Peoria Housing Authority	Grant Ty Capital F CFFP (Y Replacen	Grant Type and Number Capital Fund Program Grant No: AZ20P03850109 CFFP (Yes/ No): No Replacement Housing Factor Grant No:	: AZ20P038501( ant No:	6	Federal	Federal FFY of Grant: 2009	600	
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	d Cost	Total Actual Cost	Cost	Status of Work
AMP. 1-Parkview Estates				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
HA Wide	Energy Star Refrigerators & Ranges	1465.1	7	4000.00		3597.13	3597.13	As needed
PHA	Cisco Switches for Computer Ports Total 1475	1475		21,000	21,000	663.95	663.95	
						0		
			Total	\$100,142.00		46,922.87	40,943.73	

 $^1$  To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  $^2$  To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

	Federal FFY of Grant: 2009	Reasons for Revised Target Dates <sup>1</sup>										
		All Funds Expended (Quarter Ending Date)	Actual Expenditure End Date									
		All Funds (Quarter E	Original Expenditure End Date									
Financing Program		All Fund Obligated (Quarter Ending Date)	Actual Obligation End Date									
dule for Capital Fund	Peoria Housing Authority	All Fund (Quarter I	Original Obligation End Date	1100/110	1107/1/6	9/1/2011						
Part III: Implementation Schedule for Capital Fund Financing Program	PHA Name: Peoria Housi	Development Number Name/PHA-Wide Activities		-	Amp.1	PHA Wide						

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual S Capital F Capital I	Annual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replace Capital Fund Financing Program	Annual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program	actor and	az038i01	U.S. Department	U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011
Part I: Summary	ummary					
PHA Name: Peoria Hou	PHA Name: Peoria Housing Authority	Grant Type and Number Capital Fund Program Grant No: AZ20P03850110 Replacement Housing Factor Grant No: Date of CFFP:	850110			FFY of Grant: 2010 FFY of Grant Approval: 2010
Type of Grant	nnual Statement	■ Reserve for Disasters/Emergencies		Revised Annual Statement (revision no:     Revised Annual Statement (revision no:	(revision no: Evaluation Report	
I ine	Summary by Development Account	tor a critical futurity, over out a		Total Estimated Cost		Total Actual Cost <sup>1</sup>
	mand and ar for furning		Original	Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds		0			
2	1406 Operations (may r	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	0			
3	1408 Management Improvements	rovements	\$ 4,000.00			
4	1410 Administration (n	1410 Administration (may not exceed 10% of line 21)	\$ 8,000.00			
5	1411 Audit		0			
6	1415 Liquidated Damages	ges	0			
7	1430 Fees and Costs		0			
8	1440 Site Acquisition		0			
6	1450 Site Improvement		\$ 10,000.00			
10	1460 Dwelling Structures	es	\$ 74,170.00			
11	1465.1 Dwelling Equip.	1465.1 Dwelling Equipment-Nonexpendable	\$ 3,500.00			
12	1470 Non-dwelling Structures	actures				
13	1475 Non-dwelling Equipment	iipment	\$ 1,000.00			
14	1485 Demolition		0			
15	1492 Moving to Work Demonstration	Demonstration	0			
16	1495.1 Relocation Costs	S	0			
17	1499 Development Activities <sup>4</sup>	ivities <sup>4</sup>	0			

<sup>1</sup> To be completed for the Performance and Evaluation Report. <sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations. <sup>4</sup> RHF funds shall be included here.

Annual S Capital Fı Capital F	Amual Statement/Performance an Capital Fund Program, Capital Fu Capital Fund Financing Program	Annual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program	and		U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011	of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 <b>Expires 4/30/2011</b>
Part I: Summary	ummary					
PHA Name: Peoria Housing Authority	ing	<b>Grant Type and Number</b> Capital Fund Program Grant No: AZ20P03850109 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant:2010 FFY of Grant Approval: 2010	
Type of Grant	rant					
Origiu	<b>Original Annual Statement</b>	□ Reserve for Disasters/Emergencies	es		Revised Annual Statement (revision no: )	
X Perfor	rmance and Evaluatio	X Performance and Evaluation Report for Period Ending: 06/30/2011			Final Performance and Evaluation Report	
Line	Summary by Development Account	opment Account		Total Estimated Cost	Total Actual Cost	t <sup>1</sup>
			Original	Revised <sup>2</sup>	Obligated	Expended
18a	1501 Collateralization	1501 Collateralization or Debt Service paid by the PHA	0			
18ba	9000 Collateralization	9000 Collateralization or Debt Service paid Via System of Direct	0			
		Payment				
19	1502 Contingency (n	1502 Contingency (may not exceed 8% of line 20)	0			
20	Amount of Annual G	Amount of Annual Grant:: (sum of lines 2 - 19)	\$ 100,670.00			
21	Amount of line 20 Re	Amount of line 20 Related to LBP Activities	0			
22	Amount of line 20 Re	Amount of line 20 Related to Section 504 Activities	0			
23	Amount of line 20 Re	Amount of line 20 Related to Security - Soft Costs	0			
24	Amount of line 20 Re	Amount of line 20 Related to Security - Hard Costs	0			
25	Amount of line 20 Re	Amount of line 20 Related to Energy Conservation Measures	\$ 46,890.00			
Signatur	Signature of Executive Director	rector Date	111	Signature of Public Housing Director	using Director	Date

<sup>1</sup> To be completed for the Performance and Evaluation Report. <sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations. <sup>4</sup> RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: Peoria Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No: AZ20P03850110 CFFP (Yes/ No): No Replacement Housing Factor Grant No:	No: AZ20P0385011 Grant No:	0	Federal	Federal FFY of Grant: 2010	10	
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	/ork Development Account No.	Quantity	Total Estimated Cost	ed Cost	Total Actual Cost	Cost	Status of Work
AMP. 1-Parkview Estates				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
Amp. 1	Kitchens & Baths	1460	3 Units	\$ 8,000.00				
Amp. 1	Roofing	1460	2 Units	\$10,200.00				
Amp. 1	Doors Exterior & Interior	1460	15 Doors	\$ 2,000.00				
Amp. 1	Duct Work, Insulation	1460	2	\$ 4,500.00				
Amp. 1	Windows	1460	2 Units	\$ 5,200.00				
Amp. 1	Heat Pumps / Gas Packs	1460	7	\$37,190.00				
Amp. 1	Water Heaters	1460	6	\$ 1,550.00				
Amp. 1	Electrical	1460	3	\$ 1,000.00				
Amp. 1	Vacancy Rehab	1460	4	\$ 4,530.00				
		1460	Total	\$74,170.00				

 $^1$  To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  $^2$  To be completed for the Performance and Evaluation Report.

U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011

PHA Name: Peoria Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No: AZ20P03850110 CFFP (Yes/ No): No Replacement Housing Factor Grant No:	o: AZ20P038501 trant No:	0	Federal ]	Federal FFY of Grant: 2010		
Development Number Name/PHA-Wide	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Cost	Total Actual Cost	st	Status of Work
Activities AMP. 1-Parkview Estates				Original	Revised <sup>1</sup>	Funds F Obligated <sup>2</sup> H	Funds Expended <sup>2</sup>	
Amp. 1	Appliances	1465.1	12-Total	\$ 3,500.00				
PHA Wide	Maint. Equipment,	1475	Total	\$1,000.00				
PHA Wide	Site Work	1450		\$ 10,000.00				
PHA Wide	Consulting, Training, Tech Salary	1406	Total	\$ 4,000.00				
PHA Wide	Administrative Fees	1410	Total	\$8,000.00				
			Total	\$100,670.00				

 $^1$  To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  $^2$  To be completed for the Performance and Evaluation Report.

Amp.IDateEnd DateDate $DateT/15/2012End DateDateAmp.IT/15/2012Image: Control of the second seco$

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Capital ]	Capital Fund Financing Program AZ038j01	AZ038j01			OMB No. 2577-0226 Expires 4/30/2011
Part I: Summary	humary				
PHA Name: Peoria Hou	PHA Name: Grant Type and Number Capital Fund Program Grant No: AZ20P03850111 Replacement Housing Factor Grant No: Date of CFFP: Date of CFFP:	203850111			FFY of Grant: 2011 FFY of Grant Approval: 2011
Type of Grant	Type of Grant           Original Annual Statement		Revised Annual Statement (revision no:	(revision no:	
Derfoi	Performance and Evaluation Report for Period Ending:		Einal Performance and Evaluation Report		
Line	Summary by Development Account		Total Estimated Cost	L	Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds	0			
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$ 3,500.00			
3	1408 Management Improvements	\$ 3,500.00			
4	1410 Administration (may not exceed 10% of line 21)	\$ 7,000.00			
5	1411 Audit	0			
9	1415 Liquidated Damages	0			
7	1430 Fees and Costs	0			
8	1440 Site Acquisition	0			
6	1450 Site Improvement	\$ 9,220.00			
10	1460 Dwelling Structures	\$ 63,450.00			
11	1465.1 Dwelling Equipment—Nonexpendable	\$ 10,000.00			
12	1470 Non-dwelling Structures	\$ 2,500.00			
13	1475 Non-dwelling Equipment	\$ 1,500.00			
14	1485 Demolition	0			
15	1492 Moving to Work Demonstration	0			
16	1495.1 Relocation Costs	0			
17	1499 Development Activities <sup>4</sup>	0			

<sup>1</sup> To be completed for the Performance and Evaluation Report. <sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations. <sup>4</sup> RHF funds shall be included here.

Amual : Capital I Capital I	Annual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program	Factor and		U.S. Department of Hor Office	U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 <b>Expires 4/30/2011</b>
Part I: S	Part I: Summary				
PHA Name: Peoria Housing Authority	me: Grant Type and Number ousing Capital Fund Program Grant No: AZ20P03850111 y Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant:2011 FFY of Grant Approval: 2011	
Type of Grant	Grant				
X orig	X Original Annual Statement	lergencies	E C	Revised Annual Statement (revision no:	(
Derfc	Performance and Evaluation Report for Period Ending:		E	Final Performance and Evaluation Report	
Line	Summary by Development Account	To	Total Estimated Cost	Total	Fotal Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>	2 Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA	0			
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment	0			
19	1502 Contingency (may not exceed 8% of line 20)	0			
20	Amount of Amnual Grant:: (sum of lines 2 - 19)	\$ 100,670.00			
21	Amount of line 20 Related to LBP Activities	0			
22	Amount of line 20 Related to Section 504 Activities	0			
23	Amount of line 20 Related to Security - Soft Costs	0			
24	Amount of line 20 Related to Security - Hard Costs	0			
25	Amount of line 20 Related to Energy Conservation Measures	\$ 43,050.00			
Signatu	Signature of Executive Director	Date Date S Date	Signature of Public Housing Director	ousing Director	Date
	O to use of	1 1			

<sup>1</sup> To be completed for the Performance and Evaluation Report. <sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement. <sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations. <sup>4</sup> RHF funds shall be included here.

1 Statement/Performance and Evaluation Report	l Fund Program, Capital Fund Program Replacement Housing Factor and	l Fund Financing Program
Annual Stateme	Capital Fund Pro	Capital Fund F

PHA Name:       Gran         Peoria Housing Authority       Capit         Peoria Housing Authority       Capit         Development Number       General Description of Major Work         Name/PHA-Wide       General Description of Major Work         Name/PHA-Wide       Categories         AMP. 1-Parkview       Estates         Amp. 1       Roofing         Amp. 1       Roofing         Amp. 1       Nons Exterior & Interior         Amp. 1       Doors Exterior & Interior         Amp. 1*       Duct Work, Insulation         Amp. 1*       Windows/Screens         Amp. 1*       Heat Pumps / Gas Packs         Amp. 1*       Painting	Grant Type and Number Capital Fund Program Grant No: AZ20P03850111 CFFP (Yes/ No): No					
ber ew Kii Ro Do Du Wi Wi Pa	Replacement Housing Factor Grant No:	nt No: AZ20P0385011 tor Grant No:		Federal FFY of Grant: 2011	011	
-Parkview	on of Major Work Development gories Account No.	Quantity	Total Estimated Cost	Total Actual Cost	Cost	Status of Work
			Original Revised	l <sup>1</sup> Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
	1460	2 Units	\$12,000.00			
	1460	3 Units	\$10,200.00			
	terior 1460	25 Doors	\$ 3,400.00			
	n 1460	3	\$ 4,500.00			
	1460	2 Units	\$ 5,200.00			
	cks 1460	5	\$20,000.00			
	1460	10	\$ 3,350.00			
	1460	4 Houses	\$ 4,800.00			
	1460	Total	\$63,450.00			

 $^1$  To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  $^2$  To be completed for the Performance and Evaluation Report.

Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program Annual Statement/Performance and Evaluation Report

Office of Public and Indian Housing OMB No. 2577-0226 Expires 4/30/2011 U.S. Department of Housing and Urban Development

Part II: Supporting Pages					-			
PHA Name: Peoria Housing Authority	C C C C	<b>Grant Type and Number</b> Capital Fund Program Grant No: AZ20P03850111 CFFP (Yes/ No): No Replacement Housing Factor Grant No:	o: AZ20P038501 5rant No:	-	Federal F	Federal FFY of Grant: 2011	1	
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	rk Development Account No.	Quantity	Total Estimated Cost	Cost	Total Actual Cost	ost	Status of Work
AMP. 1-Parkview Estates				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
PHA Wide	Operations	1406	Total	\$ 3,500.00				
PHA Wide	Consulting, Training, Tech Salary	1408	Total	\$ 3,500.00				
PHA Wide	Administrative Fees	1410	Total	\$ 7,000.00				
PHA Wide	Site Work	1450	Total	\$ 9,220.00				
PHA Wide*	Appliances	1465.1	20-Total	\$ 10,000.00				
PHA Wide	Office Upgrades	1470	Total	\$ 2,500.00				
PHA Wide	Maint.& Office Equipment	1475	Total	\$ 1,500.00				
			Total	\$ 37,220.00				

 $^1$  To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  $^2$  To be completed for the Performance and Evaluation Report.

Amual Statement/Performance and Evaluation Report Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program
--

Part III: Implementation Schedule for Capital Fund Financing Program	dule for Capital Fund	Financing Program			
PHA Name: Peoria Hous	Peoria Housing Authority				Federal FFY of Grant: 2011
Development Number Name/PHA-Wide Activities	All Func (Quarter F	All Fund Obligated (Quarter Ending Date)	All Fund (Quarter F	All Funds Expended (Quarter Ending Date)	Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
Amp.1	7/15/2013				
PHA Wide	7/15/2013				

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

# Az038k01

Par	Part I: Summary					
Pec	Peoria Housing Authority AZ20P03850111	03850111	Peoria, Maric	Peoria, Maricopa, Arizona.	x Original 5-Year Plan	Revision No:
Α.	Development Number and Name	Work Statement for Year 1	Work Statement for Year 2 FFY 2012	Work Statement for Year 3 FFY 2013	Work Statement for Year 4 FFY	Work Statement for Year 5 FFY 2015
	rarkview Estates Amp. 1	FFY			2014	
B.	Physical Improvements Subtotal	Annual Statement	\$ 85,150.00	S 84,150.00	\$ \$5,670.00	S 84,170.00
ن	Management Improvements		\$ 3,000.00	\$ 4,000.00	S 3,000.00	\$ 4,500.00
D.	PHA-Wide Non-dwelling Structures and Equipment		\$ 2,500.00	\$ 2,500.00	\$ 3,500.00	\$ 2,500.00
щ	Administration		\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00
F.	Other					
IJ.	Operations		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
H.	Demolition		0	0	0	0
Ι.	Development		0	0	0	0
J.	Capital Fund Financing –		0	0	0	0
K.	Total CFP Funds		\$100,150.00	\$100,150.00	\$101,670.00	\$100,670.00
L.	Total Non-CFP Funds					
M.	Grand Total		\$100,510.00	\$100,150.00	\$101,670.00	\$100,670.00

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Work	Work St	Work Work Jage Work Statement for Year	1-1		Work Statement for Year:	
Statement for	FFY	Y 2012			FFY_2013	
Year 1 FFY 2011	Development Number/Name	Quantity	Estimated Cost	Development Number/Name	Quantity	Estimated Cost
	General Description of Major Work Categories			General Description of Major Work Categories		
See						
Annual	Amp.1 – Windows	2 Units	\$7,500.00	Amp. 1 Windows	2 Units	\$7,500.00
Statement						
	Amp. 1 - Doors	25 Doors	\$3,750.00	Amp. 1 Doors	25 Doors	\$4,7500.00
	Amp. 1- Gas Packs	8 Units	\$31,000.00	Amp. 1 Gas packs	8 Units	\$32,000.00
	Amp.1- Painting	4 Units	\$7,000.00	Amp.1- Painting	4 Units	\$6,000.00
	Amp. 1- Kitchens & Baths	2 Units	\$12,000.00	Amp. 1- Kitchens	4 Units	\$12,000.00
	Amp. 1 – Appliances	20	\$ 8,500.00	Amp. 1 – Appliances	20	\$ 8,500.00
	Amp. 1 – Water Heaters	10 Units	\$ 3,400.00	Amp. 1 – Water Heaters	10 Units	\$ 3,400.00
	Amp. 1 – Site Work		\$ 10,000.00	Amp. 1 – Site Work		\$ 10,000.00
	Subto	Subtotal of Estimated Cost	\$ 85,150.00	Sut	Subtotal of Estimated Cost	\$ 84,150.00

form HUD-50075.2 (4/2008)

for $Fry$ $2014$ $Fry$ $2015$ $^{VV}$ Development         Quantity         Estimated Cost         Development         Quantity $^{VV}$ Development         Quantity         Estimated Cost         Number/Name         Quantity $^{VV}$ Development         Quantity         Estimated Cost         Number/Name         Quantity $^{VV}$ Major Work Categories         1 Units $8$ $1$ $1$ $^{VIII}$ $Major Work Categories         8 Units         8 1 1 ^{VIII} Map. 1-Windows         1 Units         8 1 1 ^{VIII} 3 5 1 1 1 1 ^{VIIII} 3 5 1<$	Work	Work Work Statement for Year	Work Statement for Year		Work Star	Work Statement for Year:	
Development Number/Name General Description of Major Work CategoriesQuantity Number/Name General Description of Major Work CategoriesQuantity Major Work CategoriesQuantity Number/Name General Description of Major Work CategoriesQuantity Major Work Major Work Major Major Major Major Work Major Major Major Major MoreMumber Major M	nent for		7 2014		FF	Y 2015	
General Description of Major Work CategoriesGeneral Description of Major Work CategoriesGeneral Description of Major Work CategoriesAmp.1 - Windows1 Units\$3,500.00Amp. 1- Windows1 UnitsAmp.1 - Windows8 Units\$3,500.00Amp. 1- Gas Packs8 UnitsAmp. 1- Gas Packs8 Units\$3,000.00Amp. 1- Kitchens\$5 UnitsAmp. 1- Roofing3 Units\$16,500.00Amp. 1- Kitchens\$1 UnitsAmp. 1- Roofing3 Units\$10,500.00Amp. 1- Roofing\$1 UnitsAmp. 1- Roofing3 Units\$10,500.00Amp. 1- Roofing\$1 UnitsAmp. 1- Roofing3 Units\$10,500.00Amp. 1- Roofing\$1 UnitsAmp. 1- Roofing15\$6,000.00Amp. 1- Roofing\$1 UnitsAmp. 1- Roofing15\$5,000.00Amp. 1- Roofing\$1 UnitsAmp. 1- Roofing15\$5,000.00Amp. 1- Roofing\$1 UnitsAmp. 1- State Work10\$3,400.00Amp. 1- Painting\$1Amp. 1- State Work10\$3,400.00Amp. 1- State Work\$1Amp. 1- State Work10\$3,770.00Amp. 1- State Work\$1Amp. 1- State Work10\$3,000.00Amp. 1- State Work\$1Amp. 1- State Work10\$3,000.00Amp. 1- State Work\$1Amp. 1- State Work10\$3,000.0010\$1Amp. 1- State Work10\$3,000.0010\$1Amp. 1- State Work1010\$3,000.0010Amp	1 FFY 11		Quantity	Estimated Cost	Development Number/Name	Quantity	Estimated Cost
Amp.1-Windows       1 Units       \$3,500.00       Amp.1.Windows       1 Units       1         Amp.1-Gas Packs       8 Units       \$32,000.00       Amp.1.Gas Packs       8 Units       8         Amp.1-Gas Packs       8 Units       \$32,000.00       Amp.1.Gas Packs       8 Units       8         Amp.1-Gas Packs       8 Units       \$500.00       Amp.1.Kitchens       \$5 Units       8         Amp.1-Kitchens       5 Units       \$16,500.00       Amp.1.Kitchens       \$5 Units       8         Amp.1-Roofing       3 Units       \$10,500.00       Amp.1.Roofing       3 Units       1         Amp.1-Roofing       3 Units       \$10,000       Amp.1-Roofing       3 Units       1         Amp.1-Roofing       10       \$3,400.00       Amp.1-Painting       3 Units       1         Amp.1-WaterHeaters       10       \$3,400.00       Amp.1-Painting       1       1         Amp.1-VaterHeaters       10       \$3,400.00       Amp.1-Painting       1       1       1         Amp.1-Site Work       10       \$3,400.00       Amp.1-Painting       1       1       1       1         Amp.1-Site Work       5       \$3,400.00       Amp.1-Site Work       1       1       1       1		General Description of Major Work Categories			General Description of Major Work Categories		
Amp.1-Windows         1 Units         \$33,500.00         Amp.1-Windows         1 Units           Amp.1-Windows         8 Units         \$33,00.00         Amp.1-Gas Packs         8 Units         \$           Amp.1-Gas Packs         8 Units         \$33,00.00         Amp.1-Gas Packs         8 Units         \$           Amp.1-Kitchens         5 Units         \$16,500.00         Amp.1-Kitchens         \$         Units         \$           Amp.1-Kitchens         \$ Units         \$	ee	2			)		
Amp. 1- Gas Packs       8 Units       \$32,000.00       Amp. 1- Gas Packs       8 Units	nual	Amp.1 – Windows	1 Units	\$3,500.00	Amp. 1- Windows	1 Units	\$3,500.00
8 Units         \$32,000.00         Amp. 1- Gas Packs         8 Units         8 Units           5 Units         \$16,500.00         Amp. 1 - Kitchens         \$5 Units         \$5 Units </td <td>ement</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>	ement						
S Units       \$16,500.00       Amp. 1 - Kitchens       \$ Units         3 Units       \$ 10,500.00       Amp. 1 - Roofing       \$ Units         15       \$ 5,000.00       Amp. 1 - Roofing       3 Units         16       \$ 5,000.00       Amp. 1 - Roofing       3 Units         17       \$ \$ 5,000.00       Amp. 1 - Roofing       3 Units         18       \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$		Amp. 1- Gas Packs	8 Units	\$32,000.00	Amp. 1- Gas Packs	8 Units	\$32,000.00
5 Units       \$ Units       Units       Units							
3 Units       \$ 10,500.00       Amp. 1 - Roofing       3 Units         15       \$6,000.00       Amp. 1-Painting       9         10       \$3,400.00       Amp. 1-Site Work       9		Amp. 1- Kitchens	5 Units	\$16,500.00	Amp. 1 -Kitchens	5 Units	\$16,500.00
15       \$6,000.00       Amp. 1-Painting          10       \$3,400.00       Amp. 1-Painting          10       \$3,400.00       \$3,400.00          10       \$3,400.00       Amp. 1-Site Work		Amp. 1 – Roofing	3 Units	\$ 10,500.00	Amp. 1 – Roofing	3 Units	\$ 10,500.00
15       \$6,000.00       Amp. 1-Painting         10       \$3,400.00       Amp. 1-Painting         10       \$3,400.00       \$3,400.00         10       \$5,770.00       \$1         11       \$5,770.00       \$1         11       \$5,770.00       \$1         11       \$5,770.00       \$1         11       \$5,770.00       \$1         11       \$5,770.00       \$1         11       \$1       \$1         11       \$1       \$1         11       \$1       \$1         11       \$1       \$1         11       \$1       \$1							
10       \$3,400.00       \$3,400.00         \$5,770.00       \$5,770.00         \$5,770.00       \$5,770.00         \$5,770.00       \$5,770.00         \$5,770.00       \$5,770.00         \$5,770.00       \$5,770.00         \$5,770.00       \$5,770.00		Amp. 1- Appliances	15	\$6,000.00	Amp. 1-Painting		\$13,670.00
\$5,770.00       \$5,770.00         \$5,770.00       \$5,770.00         \$8,000.00       Amp. 1 – Site Work		Amn 1- Water Heaters	10	\$3.400.00			
\$\$5,770.00     \$\$5,770.00       \$\$5,770.00     \$\$5,000.00       \$\$8,000.00     Amp. 1 - Site Work							
\$\$ \$,000.00       Amp. 1 – Site Work		Amp.1- Painting		\$5,770.00			
\$\$ \$,000.00         Amp. 1 – Site Work							
		Amp. 1 – Site Work		\$ 8,000.00	Amp. 1 – Site Work		\$8,000.00

Work Statement for Year 1 FFYDeveloy Develoy2011General Descript2011General DescriptStatementAmp.1 Training/CStatementAmp.1-AdministraStatementAmp.1-AdministraAmp-1-Operations	Work Statement for Year FFY 2012 Development Number/Name General Description of Maior Work Categories			
Ai Ai	FFY 2012 Development Number/Name Description of Maior Work Categories		Work Statement for Year:	
A1 A1	Development Number/Name Description of Maior Work Categories		FFY 2013	
- Ai Ai	Description of Major Work Categories	Estimated Cost	Development Number/Name	Estimated Cost
			General Description of Major Work Categories	
	Amp.1 Training / Consulting	\$3,000.00	Amp.1 Training / Consulting/Software	\$ 4,000.00
Amp.1- Ac Amp-1-Op				
Amp-1-Op	Amp.1- Administration Fees	\$7,000.00	Amp.1- Administration Fees	\$7,000.00
Amp-1-Op				
	perations	\$2,500.00	Amp-1-Operations	\$2,500.00
	Subtotal of Estimated Cost	\$ 12,500.00	Subtotal of Estimated Cost	\$ !3,500.00

Part III: Su	Part III: Supporting Pages – Management Needs Work St	c Statement(s)		
Work Statement for	Work Statement for Year FFV 2014		Work Statement for Year: FFY 2015	
Year 1 FFY 2011	Development Number/Name General Description of Major Work Categories	Estimated Cost	er/Na	Estimated Cost
See	0 07 E + T			
Annual Statement	Amp.1 I raining / Consulting/ Software	\$3,000.00	Amp.1 1 raining / Consulting/Software	\$ 4,200.00
	Amp.1- Administration Fees	\$7,000.00	Amp.1- Administration Fees	\$7,000.00
	Amp-1-Operations	\$2,500.00	Amp-1-Operations	\$2,500.00
	Subtotal of Estimated Cost	\$ 12,500.00	Subtotal of Estimated Cost	\$ 14,000.00

Az038L01

# Resident Advisory Board Meeting

March 8, 2011 10:00 a.m.

Staff Member: MaryEllen Williams, Housing Programs Manager

Resident Advisory Board Members: Luella Golden Patricia Smith Marian Dawson Melissa Thompson

We discussed the Annual Plan and Five Year Plan – no concerns or questions voiced.

Transferring of Section 8 Program to HAMC as of July 1, 2011. All board members thought it was a good idea. With the larger jurisdiction that HAMC covers they thought it was a positive move. As for the Public Housing Program also being transferred in the near future, they had no concerns, just wanted to know who they would make out their checks, money orders too at that time.

We also discussed various topics with-in Parkview Estates. New signage around the grounds, replacing some of the ADA unit showers, our newsletter The View, yearly yard sale for the community, which was met with enthusiasm.

I also explained that we are now partners with The City Of Peoria Police Department Crime Free Community. Myself, Jenese and John went to the Crime Free class to learn how to spot trouble and how to handle situations with-in the community.

There was no other questions or concerns voiced.

Meeting adjourned.

# HOUSING ADVISORY BOARD RESOLUTION 2011-05

THE CITY OF PEORIA HOUSING ADVISORY BOARD DOES HEREBY CERTIFY THAT A REGULAR MEETING OF THE COUNCIL NOT-FOR-PROFIT REVIEW AND HOUSING SUB-COMMITTEE WAS HELD IN ACCORDANCE WITH ARIZONA OPEN MEETING LAW AT WHICH A QUORUM OF THE HOUSING ADVISORY BOARD WERE PRESENT AND THE FOLLOWING RESOLUTION WAS DULY AND LEGALLY PASSED.

NOW, THEREFORE, BE IT RESOLVED by the Housing Advisory Board that the City of Peoria Housing Authority is hereby authorized to submit and implement the Annual Agency Plan and accompanying certifications, if any, for PHA Fiscal Year beginning 07/2011. Submission of the Annual Agency Plan will be made to the U.S. Department of Housing and Urban Development (HUD).

PASSED by the Council Not-For-Profit Review and Housing Sub-Committee of the City of Peoria, Maricopa County, Arizona this 11<sup>th</sup> day of April, 2011.

Hou Came Bob Barrett, Chairman

Date Signed \_\_ 4 - // - //

### PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners. I approve the submission of the \_\_\_\_\_ 5-Year and/or  $\times$  Annual PHA Plan for the PHA fiscal year beginning 07/01/2011 \_\_\_\_\_, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

- 1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
- 2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
- 3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
- 4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
- 5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
- 6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
- 7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
- 8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a
    pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
- 9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
- 10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
- 11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
- 12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

- 13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- 14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
- 15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
- 16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
- 17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
- 18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
- 19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
- 20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
- 21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
- 22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

City of Peoria Housing Authority	AZ038
PHA Name	PHA Number/HA Code
5-Year PHA Plan for Fiscal Years 20 20	
X Annual PHA Plan for Fiscal Years 20 20	2

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Carin Imig	Interim Executive Director
Signature Carin Amis	Date 4-11-11

DISC	LOSURE OF LO	BBYING ACTIV	ITIES	Approved by OMB
Complete this form	to disclose lobbying	activities pursuant	to 31 U.S.C. 1352	0348-0046
585°	(See reverse for pub	olic burden disclosu		
1. Type of Federal Action:	2. Status of Federa	Action:	3. Report Type:	
a. contract	a. bid/of	ffer/application	a. initial fil	-
b. grant	b. initial	award	b. materia	
c. cooperative agreement	c. post-a	award	For Material	Change Only:
d. Ioan			year	quarter
e. Ioan guarantee			date of las	streport
f. loan insurance				
4. Name and Address of Reporting	g Entity:			ubawardee, Enter Name
Prime Subawardee		and Address of	Prime:	
Tier,	if known:			
	1. /			
Congressional District, if known			District, if known:	
6. Federal Department/Agency:		7. Federal Progra	m Name/Descripti	on:
	'\ \	CEDA Number	if applicable:	
		CFDA Nulliber, I	<i>applicable</i>	
8. Federal Action Number, if know	n. 1	9. Award Amount	if known.	·
o. rederar Action Number, # know		5. Award Amound	, // ((/// )	
		\$		
10. a. Name and Address of Lobby		•		(including address if
( if individual, last name, first n	ame, MI):	different from N	- 202 (201 - 202 - 202 (202 (202 - 202 (202 - 202 (202 - 202 (202 - 202 (202 - 202 (202 - 202 (202 - 202 (202 (	
		(last name, firs	t name, MI):	
11. Information requested through this form is authorized 1352. This disclosure of lobbying scrivities is a magnetic structure of lobbying scrivities is a magnetic structure of lobbying scrivities and scrivities are structured at the script scrivities are structured at the script s	d by title 31 U.S.C. section alerial representation of fact	Signature:		0. ji <b>s</b>
upon which reliance was placed by the tier above whe or entered into. This disclosure is required pursua	in this transaction was made			
information will be available for public inspection. A	ny person who fails to file the			VA 22-2009-2-17 Cr 112- Cr 4807 A
required disclosure shall be subject to a civil penalty not more than \$100,000 or each such failure.	of not less than \$10,000 and		1 11 1 1 <del>3 14 14</del>	
		Telephone No.:		Date:
Federal Use Only:				Authorized for Local Reproduction
rederal Use Only.				Standard Form LLL (Rev. 7-97)

#### Applicant Name

City of Peoria Public Housing Authority

Program/Activity Receiving Federal Grant Funding

Capital Fund Program (CFP)

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

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

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

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

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

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

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will --- (1) Abide by the terms of the statement; and

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

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

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

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

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

City of Peoria Public Housing Authority 10950 N. 87th Avenue Peoria, Maricopa, Arizona 85345

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Tille	
Carin Imig	Interim Executive Director	
X Carin Am	Date 4-11-2011	
	form <b>HUD-50070</b> (3/98)	

# Certification of Payments to Influence Federal Transactions

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

Applicant Name

City of Peoria Public Housing Authority

Program/Activity Receiving Federal Grant Funding Capital Fund Program (CFP)

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

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

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions. (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Carin Imig	Interim Executive Director
Signalure	Date (mm/dd/yyyy)
Carin Amis	04/11/2011
	form HUD 50071 (3/98)

Previous edition is obsolete

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

I, <u>Carin Imig</u> the Interim Executive Director certify that the Five Year and Annual PHA Plan of the <u>City of Peoria Public Housing Authority</u> is consistent with the Consolidated Plan of the City of Peoria prepared pursuant to 24 CFR Part 91.

Carin Amig 4-11-11

Signed / Dated by Appropriate State or Local Official