



HOUSING AUTHORITY OF THE CITY OF BRIDGEPORT ADMISSIONS & CONTINUED OCCUPANCY POLICY

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HOUSING AUTHORITY OF THE CITY OF BRIDGEPORT

Admissions and Continued Occupancy Policy

Explanatory Note 1: This Admissions and Continued Occupancy Policy (ACOP) is the policy of the Board of Commissioners of the Housing Authority of the City of Bridgeport (HACB) governing Public Housing occupancy in property the HACB owns. The ACOP sets forth the Board's mandatory requirements for performing occupancy-related work and can be revised only by Board resolution and, if the revision is significant, by changing the Annual Plan.

The ACOP is designed to be used with a series of Procedures referenced throughout the text in boldface italic type. The procedures are implementing requirements that describe how this policy is to be carried out. Operational details, forms, checklists, methods and systems are contained in procedures, rather than in this policy. The HACB will issue new procedures whenever necessary. All procedures will be dated and numbered.

APPLICABILITY: This Admissions and Continued Occupancy Policy applies to all public housing owned and managed by the Bridgeport Housing Authority. This policy does not apply to Bridgeport public housing managed by private entities. A separate Admissions and Continued Occupancy Policy governs public housing managed by private entities.

I. Nondiscrimination

A. Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in operating its programs. It is the policy of HACB to comply with all Civil Rights laws now in effect and subsequently enacted, including but not limited to:
 - a. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex; **24 CFR §§ 1 and 100**
 - b. Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination; **24 CFR § 100**
 - c. Executive Order 11063,
 - d. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; **24 CFR § 8**
 - e. Age Discrimination Act of 1975, which establishes certain rights of the elderly; **24 CFR § 146**
 - f. Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units.)
 - g. Any applicable State laws or local ordinances.



2. The HACB shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land, that is part of a development under the HACB's jurisdiction covered by a public housing Annual Contributions Contract with HUD. Other rights of applicants and residents are listed in the *Procedure on Civil and Disability Rights*. **24 CFR § 100**
3. HACB shall not deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior. **24 CFR § 960.203(a)**
4. HACB shall not permit these policies to be subverted to do personal or political favors. **24 CFR § 206(e)**
5. HACB will offer units only in the order prescribed by this policy, since any other method violates the policy, federal law, and the civil rights of the other families on the waiting list. **24 CFR § 206(e)**

B. Reasonable Accommodations Policy

1. HACB, as a public agency that provides low rent housing to eligible families, has a legal obligation to provide "reasonable accommodations" to applicants and residents if they or any family members have a disability. **24 CFR § 8.4**
2. A reasonable accommodation is some modification or change HACB can make to its apartments, buildings, or grounds or methods and procedures that will assist an otherwise eligible applicant with a disability to take full advantage of and use HACB's programs, including those that are operated by other agencies in HACB-owned public space. **24 CFR § 8.20**
3. An accommodation is not reasonable if it: **24 CFR § 8.21(b) and 24 CFR § 8.24(a)(2)**
 - a. Causes an undue financial and administrative burden; or
 - b. Represents a fundamental alteration in the nature of HACB's program.
4. Subject to the undue burdens and fundamental alterations tests, HACB will correct physical situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the HACB's housing program and non-housing programs, in accordance with Section 504 and the Fair Housing Amendments Act of 1988, HACB shall comply with all requirements and prohibitions in applicable law. Specific actions are described in the *Procedure on Civil Rights and Disability Rights*. **24 CFR § 8.4**
5. Facilities and programs used by applicants and residents shall be accessible to persons in wheelchairs, persons with sensory impairments and other persons with disabilities. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the HACB has such facilities) will be usable by residents with a full range of



disabilities. If HACB offers such facilities, and none is accessible, some¹ will be made so, subject to the undue financial and administrative burden test. **24 CFR § 8.21**

6. Documents and procedures used by applicants and residents will be accessible for those with vision, hearing or other sensory impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Methods used to ensure that communication is understandable by persons with disabilities are described in the *Procedure on Civil Rights and Disability Rights*. **24 CFR § 8.6**
7. Examples of reasonable accommodations include, but are not limited to: **24 CFR § 8.4**
 - a. Making alterations to a HACB apartment to make it fully accessible so it could be used by a family member with a wheelchair;
 - b. Transferring a resident from an apartment or townhome that cannot be made accessible to an apartment that is accessible;
 - c. Widening the door of a community room or public restroom so a person in a wheelchair may use the facility;
 - d. Adding or altering apartment or building features so they may be used by a family member with a disability, including but not limited to:
 - 1) Installing strobe-type flashing light in addition to regular smoke detectors in an apartment for a family with a hearing impaired member;
 - 2) Adding structural grab bars in the bathroom;
 - 3) Changing the doorknobs to lever-type door handles;
 - 4) Changing to a refrigerator with the freezer on the bottom instead of the top;
 - 5) Installing a magnifier over the thermostat;
 - 6) Lowering or adding an additional lower peephole on the door so it may be used by a person in a wheelchair;
 - e. Permitting a family to have a large dog to assist a family member with a disability in a HACB family development where the size of dogs is usually limited; **24 CFR § 8.20**
 - f. Providing a van to take HACB resident children to and from their development, where the childcare facility is on HACB property and is not accessible, to an accessible childcare facility; **24 CFR § 8.21**
 - g. Making sure that HACB processes are understandable to applicants and residents with sensory or cognitive impairments, including but not limited to: **24 CFR § 8.6**
 - 1) Making large type documents, Braille documents, cassettes or a reader available to an applicant or resident with a vision impairment during interviews or meetings with HACB staff;
 - 2) With prior notice, making a sign language interpreter available to an applicant with a hearing impairment during interviews or meetings with HACB staff;

¹ It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by persons with disabilities at each development that provides laundry facilities.



- 3) Permitting an applicant or resident with a disability to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with HACB if the individual desires such representation;
 - 4) Permitting an outside agency or individual to assist an applicant with a disability to meet the HACB's applicant screening criteria.
8. An applicant family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able **24 CFR § 8.3**
- a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
 - b. to care for and avoid damaging the apartment and common areas;
 - c. to use facilities and equipment in a reasonable way;
 - d. to create no health, or safety hazards, and to report maintenance needs;
 - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
 - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment on or near the premises by other residents or staff; and not to engage in drug-related criminal activity; and
 - g. to comply with necessary and reasonable rules and program requirements of HUD and the HACB.
 - h. but there is no requirement that they be able to do these things without assistance.
9. If an applicant or resident family member needs assistance with one of the essential obligations of tenancy, HACB will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance. **24 CFR § 8.20**
10. If an applicant or resident receives a referral to an agency or individual who can assist the applicant or resident with complying with the essential obligations of tenancy, the applicant or resident is not obligated to accept the service, but if refusing service results in a lease violation, HACB may terminate the lease. **24 CFR § 8.20**
11. An applicant or resident family with a member who has a disability and needs or wants a reasonable accommodation may request it at any time. **24 CFR § 8.20**
12. If an applicant or resident would prefer not to discuss the situation with the HACB or disclose his/her disability, that is his/her right.

C. Providing Information in Languages other than English

1. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants and residents shall be available in Spanish. This includes the following documents related to registration, intake, marketing, outreach, certification, reexamination and inspections.
2. Whenever possible and whenever dictated by marketing and outreach efforts, the above materials and messages will be made available in other languages.
3. The HACB will make every effort to make information related to verification of citizenship or eligible immigration status available in the language of the applicant.



4. At all HACB offices a notice will be available that states in multiple languages (and alphabets), "Please make a new appointment and bring someone with you who can interpret for you."
5. Applicants and residents with low English comprehension may furnish an interpreter to assist in communication with HACB. Other than for applicants and residents who speak Spanish, HACB is not required to pay for the costs of foreign language interpretation.
6. Periodically, HACB will review the necessity to address other languages. The following factors will be taken into account:
 - The number or proportion of Limited English Proficiency (LEP) persons eligible to be served or likely to be encountered by the program;
 - The frequency with which LEP persons come into contact with the programs;
 - The nature and importance of the program, activity or serviced provided by the HACB programs to people's lives;
 - The resources available to HACB and the costs.



II. Eligibility for Admission and Processing of Applications

A. Affirmative Marketing 24 CFR §960.103

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

B. Qualifying for Admission

1. It is HACB's policy to admit **only** applicants who are qualified² according to the following criteria:
 - a. Are a family³, as defined in Section XII of this policy;
 - b. Meet HUD requirements on citizenship or immigration status; **(24 CFR § 5.5 (subpart E))**
 - c. Have an Annual Income (as defined in Section XI of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in HACB offices. **(24 CFR § 960.102)**
 - d. Provide documentation of Social Security numbers for family members age 6 or older, or certify that they do not have Social Security numbers; and **(24 CFR § 5.216)**
 - e. Meet the Applicant Selection Criteria in Section II. F. of these policies, including completing a HACB-approved pre-occupancy orientation session if required; **(24 CFR § 960.202 & 203)**
2. The HACB will not deny admission to a current or former victim of domestic violence, dating violence or stalking, if otherwise qualified. **(42 U.S.C. 13925)**

C. Establishing and Maintaining the Waiting List

1. It is the policy of HACB to administer its waiting list as required by HUD's regulations and its *Procedure on Application Intake and Processing*. Waiting lists will be opened and closed in accordance with HACB's *Procedure on Opening and Closing Waiting Lists*. Applicant names will be removed from the waiting list only in accordance with HACB's *Procedure on Removing Applicants from the Waiting List*. **24 CFR § 960.206**
2. HACB will periodically update each waiting list sublist by contacting all applicants in writing⁴.

² The term "qualified" refers to applicants who are eligible and able to meet the applicant selection standards. This term is taken from the 504 regulations: **24 CFR § 8.3** definition of "Qualified Individual with Disability".

³ A family can be a single person.

⁴ Or by the method designated at initial application by applicants with disabilities.



3. If an applicant's preference status changes while on the waiting list, the applicant's position on the list will be adjusted in accordance with HACB's *Procedure on Application Intake and Processing*.

D. Processing Applications for Admission

1. HACB will accept and process applications in accordance with applicable HUD Regulations and HACB's *Procedure on Application Intake and Processing*. HACB will assume that the facts certified to by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process.
2. Every application file for admission to public housing shall include the application number; applicant's race and ethnicity; eligibility determination; when eligible, the apartment size(s) for which eligible; preference(s), if any; and the date, location, identification, and circumstances of each vacancy offered and accepted or refused. **24 CFR § 85.42**
3. As applicants approach the top of the waiting list, they will be asked to come to the HACB for an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.
 - a. The following information will be verified according to HACB's *Procedure on Verification*, to determine qualification for admission to HACB's housing: **24 CFR § 960.259**
 - 1) Family composition and type (Elderly/Disabled/Near elderly /Non-elderly)
 - 2) Annual Income
 - 3) Assets and Asset Income
 - 4) Deductions from Income
 - 5) Preferences
 - 6) Social Security Numbers of all Family Members⁵
 - 7) Applicant Screening Information
 - 8) Citizenship or eligible immigration status
 - 9) Photo identification of all adult family and household members
 - b. Third party written, faxed or electronic verification is the required form of documentation. Any other form of verification requires a note to the file explaining its use. **24 CFR § 960.259**

E. The Preference System

1. Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. Every applicant must still meet HACB's Selection Criteria before being offered an apartment. Preferences will be granted to applicants who are otherwise qualified and who, at the

⁵ Or certification that they do not have a social security number, if the individual has no social security number.



time of the offer (immediately prior to execution of a lease), are verified to meet the definitions of the preferences described below. **24 CFR § 960.206**

2. Notwithstanding any applicant's application number, HACB will select applicants from the waiting list in such a way as to ensure that at least 40 percent of the applicants admitted to the public housing program during any fiscal year are at or below the Extremely Low Income (ELI) limit – 30 percent of the median income for the MSA-- at the time of admission. HACB will not implement income tiers, since analysis of the waiting list demographics indicates that reaching the 40 percent goal will be easily reached.

If necessary to meet the statutory requirement that 40 percent of newly admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), the HACB retains the right to skip higher income families on the waiting to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes on a monthly basis of newly admitted families and the income of the families on the waiting list. If there are not enough extremely low-income families on the waiting list, we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement

3. Ranking Preferences-General Population Developments **24 CFR § 960.206**

Ranking preferences are used to sort among applicants. HACB has established two hierarchic ranking preferences. In order, they are:

- a. **FIRST: Disaster Preference,**
- b. **SECOND: Working Preference**

Families that qualify for no Ranking preferences will be categorized as No-preference families.

4. Definition of Ranking Preferences

- a. HACB defines Disaster to include major catastrophic events that could neither be foreseen nor prevented by the applicant. Examples would include declared natural disasters (hurricanes, tornadoes, earthquakes, etc.) and events such as airplane crashes that destroy the applicant's housing. Disaster preferences would not normally be awarded to applicants whose homes are destroyed by fire unless the fire destroys more than one building and the applicant could in no way be implicated in the fire (as verified by the Fire Marshall). For example, arson fires and fires caused by carelessness would not qualify an applicant for this preference
- b. HACB defines Working preference to include all applicants with adult members who have been employed for at least 28 hours per week for at least six months. Additionally, persons who cannot work because of age or disability qualify for this ranking preference.

5. Ranking Preferences - Mixed Population Buildings

- a. HACB has no ranking preference for the Mixed Population Buildings, other than those listed in the Tenant Selection and Assignment Plan for Fireside Apartments and 25one-bedroom scattered sites.

6. Ranking Preferences – Elderly Designated Buildings

- a. HACB has no ranking preference for the Elderly Designated Buildings.



F. Screening Applicants for Admission

1. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, HACB requires applicants to demonstrate ability to comply with the essential provisions of the lease: **24 CFR§ 960.202 – 205**
 - a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
 - b. to care for and avoid damaging the apartment and common areas;
 - c. to use facilities and equipment in a reasonable way;
 - d. to create no health, or safety hazards, and to report maintenance needs;
 - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
 - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
 - g. to comply with necessary and reasonable rules and program requirements of HUD and the HACB.
2. HACB will determine each applicant family's ability to comply with the essential lease requirements in accordance with HACB's *Procedure on Applicant Screening*.
 - a. Any costs incurred to complete the application process and screening will be paid by HACB.
 - b. Applicants who owe money to HACB or any other housing authority will be rejected. **24 CFR §203**
 - c. The HACB is **required** to reject the applications of certain applicants for criminal activity or drug abuse by family members⁶:
 - 1) The HACB is required to reject any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, the HACB may admit the household if the HACB determines that: **24 CFR § 204(a)**:
 - a) The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HACB, or
 - b) The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
 - c) The applicant household will not include the member involved in drug-related criminal activity
 - 2) The HACB is **required** to reject the application of a household if the HACB determines that:
 - a) Any household member is currently engaging in illegal use of a drug; or **24 CFR § 960.204 (a) (2)**⁷

⁶ Criminal history on children under age 18 who are charged as adults will be used.



- b) The HACB has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or **24 CFR § 960.204 (a) (2)**
 - c) Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or **24 CFR § 960.204 (a)(3)**
 - d) Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or **24 CFR § 960.204(a)(4)**
 - e) Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. **24 CFR § 960.204.(a)(4)**⁸
- d. In addition to the HUD-required rejections for criminal activity, HACB will reject applicants if HACB determines that
- 1) Any household member has ever been convicted of arson or child molestation; or **24 CFR § 960. 203. (c)(3)**
 - 2) Any household member has a criminal history in the past three years that involves crimes of violence to persons or property; **24 CFR § 960.203.(c)**
 - 3) Crimes of violence to persons or property would include but not be limited to homicide or murder, destruction of property or vandalism, burglary, robbery or theft, drug trafficking, drug manufacture, drug use or drug possession, threats or harassment, assault or fighting, domestic violence, weapons offenses, criminal sexual assault, home invasion. **24 CFR § 960.203**
 - 4) The HACB has reasonable cause to believe that a household member's involvement in gang activity in the past three years may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- e. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
- f. Applicants must be able to demonstrate the ability and willingness to comply with the terms of HACB's lease, either alone or with assistance that they can demonstrate they will have at the time of admission.⁹ Availability of assistance is subject to verification by HACB. **24 CFR § 8.2, Definition, Qualified Individual with Handicaps)**

⁷ For purposes of this section a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a belief that the behavior is current

⁸ HACB must be able to show a relationship between the applicant household member's abuse of alcohol and behavior that threatens the health, safety, or right to peaceful enjoyment of other residents.

⁹ Applicants whose landlord, financial, criminal and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met this criterion, whether or not they are disabled. Applicants whose housing situations make it difficult for HACB to determine whether or not they are able and willing to comply with lease terms (e.g. because they are homeless, are living with friends or relatives, or have other non-traditional housing



- g. The HACB will not deny admission to a current or former victim of domestic violence, dating violence or stalking, if otherwise qualified. (42 U.S.C. 13925)
- 3. Screening applicants who claim mitigating circumstances
 - a. If negative information is received about an applicant, HACB shall consider the time, nature, and extent of the applicant's conduct and mitigating circumstances that might indicate a reasonable probability of favorable future conduct. **24 CFR § 960.203(d)**.
 - b. Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified, indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, **AND** applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
 - c. HACB will consider whether individuals with negative behavior in their recent past can document that they have been rehabilitated. See II.F.2.c of this ACOP.
- 4. Qualified and Unqualified Applicants
 - a. Qualified families will be notified by HACB of the approximate date of admission insofar as that date can be determined, however the date stated is an estimate and does not guarantee that applicants will be housed by that date. **24 CFR § 960.208**
 - b. Unqualified applicants will be promptly notified by a Notice of Rejection from HACB, stating the basis for such determination and offering an opportunity for informal hearing (see *Procedure for Informal Hearing for Rejected Applicants*). At the Informal Hearing the applicant can offer information about mitigating circumstances or mistakes in fact upon which HACB's decision was based. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process (**24 CFR § 960.208(a)**).
 - c. Applicants known to have a disability who are eligible but fail to meet the Selection Criteria will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

G. Occupancy Guidelines: (HUD Notice of Policy, Dec. 18, 1998 Federal Register)

- 1. Apartments shall be occupied by families of the appropriate size. This policy maintains the usefulness of the apartments, while preserving them from excessive wear and tear and underutilization.

Minimum and Maximum-Number-of-Persons-Per Unit Standard

<u>Number of Bedrooms</u>	<u>Min Persons/Unit</u> <u>(Largest Unit Size)</u>	<u>Max Persons/Unit</u> <u>(Smallest Unit Size)</u>
0BR	1	1

circumstances) will have to demonstrate ability and willingness to comply with lease terms whether or not they are disabled.



1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10

2. The following principles govern the size of apartment for which a family will qualify. Generally two people are expected to share a bedroom. Units will be so assigned that:
 - a. Children age four and under will share a bedroom with any other child or a parent, regardless of age or sex;
 - b. Two children between the ages of six and seventeen of the same sex share a bedroom;
 - c. Two children between the ages of six and seventeen of the opposite sex will not be assigned to share a bedroom, although they may do so at the request of the family.
 - d. Adults (over age eighteen) of the same sex share a bedroom;
 - e. Adults (over age eighteen) of opposite sexes who are spouses or co-heads share a bedroom;
 - f. Adults (over age eighteen) of opposite sexes who are not spouses or co-heads of household do not share a bedroom although they may do so at the request of the family.
 - g. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
 - h. Exceptions to the largest permissible apartment size may be made in case of reasonable accommodations for a person with disabilities.
 - i. An unborn child will not be counted as a person in determining apartment size. A single pregnant woman may be assigned to a one-bedroom apartment, although HACB may place a pregnant woman in a larger bedroom size unit if the unit currently occupied is considered to be small.
 - j. In determining apartment size, HACB will count for unit size determination a child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school, so long as the family can document that the child will be living with the family.
 - k. A live-in aide may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.
 - l. One-bedroom units in designated elderly properties will be leased first to couples or single persons with live-in aides.
3. The Local Housing Code of two persons per bedroom is the standard for the smallest apartment a family may be offered ¹⁰.
4. The largest apartment size that a family may be offered would be one bedroom per family member, considering family size and composition.

¹⁰ Individual apartments with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status.



5. When a family applies for housing and when the waiting list is updated, some families will qualify for more than one apartment size. These applicants will choose the waiting sublist from which they will receive an offer, and will be placed on the appropriate waiting sublist by apartment size.
 - a. If a family chooses a smaller apartment than would normally be assigned (e.g. because they will receive an offer sooner), the family shall agree in writing to occupy that apartment until their family size or circumstances change.
 - b. When a family is actually offered an apartment, if they no longer qualify for the apartment size where they were sublisted, they will be moved to the appropriate sublist, retaining their preferences and application number. This may mean that they may have to wait longer for an offer.
 - c. The HACB shall change the family's sublist at any time at the family's request.



III. Tenant Selection and Assignment Plan

The Tenant Selection and Assignment Plan is the policy for unit offers to applicants and transferees.

A. Organizing the Applicant Waiting List

1. Site Based Waiting List for General Occupancy Housing **24 CFR § 1.4(2)(ii)**

HACB has received HUD approval for site-based waiting lists at certain properties.

- a. All current applicants for apartments of the size and type offered at developments with Site-based Waiting Lists will be given an opportunity to list up to three developments where they would accept an offer or to opt for the "first available" apartment offer¹¹.
- b. Thereafter, new applicants would have the same opportunity to select up to three developments or first available unit.
- c. Once the initial site based lists are established, all applicants will be informed of the length of each list and have an opportunity to change their site selection when their application is updated.

Although applicants will have an opportunity to select the sites where they wish to receive offers, the senior designated waiting list and offers will continue to be administered centrally for the designated senior properties.

Each applicant for family housing shall be assigned his/her appropriate place on the site based waiting list(s) in sequence based upon:

- d. Type and size of apartment needed and selected by the family (e.g. general occupancy building, accessible or non-accessible apartment, number of bedrooms);
- e. Applicant preference, if any; and
- f. Date and time application was received or application number.

HACB will maintain its waiting list in the forms of a computer report (capable of being tracked back to original paper applications) that records the type and size of apartment needed, each applicant's priority/preference status, the date and time of application or application number, and the race and ethnicity of the family head.

2. Waiting Lists for Mixed Population Buildings **24 CFR § 903.7(b)(2)**

Each applicant for mixed population housing shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:

- a. type and size of apartment needed and selected by the family (e.g., accessible or non-accessible apartment, number of bedrooms); and
- b. date and time application was received or application number.

HACB will maintain its waiting list in the form of a computer report (capable of being tracked back to original paper applications) that records the type and size of apartment needed, each applicant's

¹¹ Selecting the "First Available Unit" option would put the applicant on all the site-based units of the type for which the applicant qualifies.



priority/preference status, the date and time of application or application number, and the race and ethnicity of the family head.

3. Waiting Lists for Elderly Designated Buildings **24 CFR § 903.7(b)(2)**

Each applicant for elderly designated housing shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:

- c. type and size of apartment needed and selected by the family (e.g., accessible or non-accessible apartment, number of bedrooms); and
- d. date and time application was received or application number.

HACB will maintain its waiting list in the form of a computer report (capable of being tracked back to original paper applications) that records the type and size of apartment needed, each applicant's priority/preference status, the date and time of application or application number, and the race and ethnicity of the family head.

B. Making Unit Offers – General Population Developments and Elderly Designated Developments (including Forest Green)

1. Certain types of transferees will receive offers of housing before applicants from the waiting list.
2. In all offers HACB shall not discriminate on grounds of race, color, sex, religion, national origin, disability or familial status. Also, see the *HACB Procedure on Transfers*.
3. Specifically, the following order of offers applies:
 - a. Emergency transfers; **24 CFR § 966.4 (h)**
 - b. Administrative transfers in the following category order:
 - 1) Category 1: Problems of a life-threatening nature
 - 2) Category 2: Reasonable accommodations for residents with disabilities **24 CFR § 8.4**
 - 3) Category 3: Four sub priorities below:
 - Modernization transfers
 - Revitalization transfers
 - Problems of violence that are less than life-threatening
 - Overcrowding, over-housing, and split families **24 CFR § 966.4(c)**
 - c. Designated housing transfers;
 - d. Incentive Transfers;
 - e. New Admissions from the waiting list;
 - f. Resident-initiated transfers
4. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status the one-offer plan will be used to make apartment offers to applicants from waiting lists. **24 CFR § 1.4(2)(ii)**



5. The first qualified applicant in sequence on the waiting list is made one offer of an apartment of appropriate size and type.
 - a. An applicant on the community-wide list must accept the vacancy offered or be withdrawn from the waiting list unless the applicant refuses the offer with Good Cause. The family cannot reapply for a period of 12 months from the withdrawal date.
 - b. Applicants for site-based waiting lists will be dropped from all the site-based lists they chose and must re-apply to get back on the waiting list unless they refuse the offer with Good Cause. The family cannot reapply for a period of 12 months from the withdrawal date. (see *Procedure on Good Cause for Refusal of Unit Offers*)
6. HACB will first match the apartment available to the highest-ranking applicant for an apartment of that size, type and special features (if any), taking into account designated housing. Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of apartment and have the same preference status, the applicant with the earlier date and time of application or lower application number will receive the earliest offer. **24 CFR § 960.206(c)**
7. The applicant must accept any apartment offered within 3 working days of the later of
 - a. the date the offer is communicated (by phone, mail, or the method of communication designated by an applicant with disabilities); or
 - b. the date they are shown the apartment.
8. If the applicant does not accept the unit offer within the time in number 7 above, they may be processed for eviction and cannot reapply for 12 months from the date of withdrawal.
9. All offers made over the phone will be confirmed by letter¹². If unable to contact an applicant by phone or first class mail, HACB will send a certified letter, return receipt requested.
10. If more than one apartment of the appropriate size and type is available, the first apartment to be offered will be the apartment that is or will be ready for move-in first. If two units are ready for move-in on the same day, the first apartment to be offered will be the apartment that became vacant first.
 - a. Names will be removed from the waiting list in accordance with *Procedure on Removing Applications from the Waiting List*.

C. Accessible/Adaptable Units – General Population Developments

1. Before offering accessible/adaptable apartments to non-disabled applicants, HACB will offer such units:
 - a. First, to a current public housing resident having a disability that requires the special features of the vacant apartment. **24 CFR § 8.27(1) (a)**
 - b. Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant apartment. **24 CFR § 8.27(1) (b)**
2. When offering an accessible/adaptable apartment to a non-disabled applicant, HACB will require the applicant to agree to move to an available non-accessible apartment within 30 days when a current

¹² Or by the communication method requested by an applicant with disabilities



resident or an applicant with a disability needs the apartment. This requirement is also reflected in the lease signed with the applicant. **24 CFR § 8.27 (2)**

D. Making Unit Offers – Fireside Apartments

1. Available units at Fireside Apartments will be offered as follows to ensure that the ratio of Disabled Families to Elderly Families reaches 2:1:
 - a. First, to the next elderly family on the Mixed Population waiting list or on the Over Housed Transfer Waiting list
 - b. Second, to the next elderly family on the Mixed Population waiting list or on the Over Housed Transfer Waiting list
 - c. Third, to the next disabled family on the Mixed Population waiting list, whose head of household is under 50 years of age on the date the offer is made. If there is no such disabled family on the Mixed Population waiting list whose file is ready to be assigned, then to the next disabled family on the Fireside Disabled Transfer List, whose head of household is under 50 years of age on the date the offer is made. If there are no disabled families whose head of household is under 50 years of age on either the Mixed Population waiting list or on the Fireside Disabled Transfer List, then to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
 - d. Fourth, to the next disabled family on the Mixed Population waiting list, whose head of household is under 50 years of age on the date the offer is made. If there is no such disabled family on the Mixed Population waiting list whose file is ready to be assigned, then to the next disabled family on the Fireside Disabled Transfer List, whose head of household is under 50 years of age on the date the offer is made. If there are no disabled families whose head of household is under 50 years of age on either the Mixed Population waiting list or on the Fireside Disabled Transfer List, then to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
 - e. Fifth, to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
 - f. Sixth, to the next disabled family on the Fireside Disabled Transfer List. If there is no disabled family on the Fireside Disabled Transfer List, then to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
 - g. Seventh, to the next elderly family on the Mixed Population waiting list or on the Overhoused transfer waiting list.
 - h. Eighth, to the next disabled family on the Mixed Population waiting list whose head of household is under 50 years of age on the date the offer is made. If there is no such disabled family on the Mixed Population waiting list whose file is ready to be assigned, then to the next disabled family on the Fireside Disabled Transfer List, whose head of household is under 50 years of age on the date the offer is made. If there are no disabled families whose head of household is under 50 years of age on either the Mixed Population waiting list or on the Fireside Disabled Transfer List, then to the



next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.

- i. Ninth, to the next disabled family on the Mixed Population waiting list whose head of household is under 50 years of age on the date the offer is made. If there is no such disabled family on the Mixed Population waiting list whose file is ready to be assigned, then to the next disabled family on the Fireside Disabled Transfer List, whose head of household is under 50 years of age on the date the offer is made. If there are no disabled families whose head of household is under 50 years of age on either the Mixed Population waiting list or on the Fireside Disabled Transfer List, then to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
- j. Tenth, to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
- k. Eleventh, to the next disabled family on the Fireside Disabled Transfer List. If there is no Disabled Family on the Fireside Disabled Transfer List, then to the next disabled family on the Mixed Population waiting list whose head of household is under 62 years of age on the date the offer is made.
- l. Twelfth, to the next elderly family on the Mixed Population family on the Mixed Population Waiting List or on the Overhoused transfer list.
- m. If there is an elderly family on the Overhoused transfer list willing to accept a one-bedroom unit at Fireside Apartments, then the unit may be assigned by HACB at any time. If HACB assigns a Fireside unit to an elderly family on the Overhoused transfer list outside of the order set above, then HACB will skip the next assignment to an elderly family.

E. Making Unit Offers – Scattered Site One-Bedroom Units

One bedroom scattered site units will be offered to eligible non-elderly disabled families on the Mixed Population Waiting list (as an alternative to a unit at Fireside Apartments). The scattered site units will be offered to disabled families until 25 scattered site one-bedroom units are assigned to disabled families. The assignment of the scattered site units does not impact HACB's obligation to meet the above-described ratio of disabled families to elderly families at Fireside Apartments. Once 25 scattered site one-bedroom units have been leased to non-elderly disabled families, this program will be ended.

F. Administering the Applicant and Transfer Waiting Lists

Applications for admission and transfer will be processed centrally by the Occupancy Department. Initial intake, waiting list management, screening, and assigning of housing (including transfers) will be made from the Occupancy Department office¹³. Offers may be made in person, in writing or by phone from the central office or the development

¹³ The exception to this policy is that Mixed Finance properties are administered by the property managers at those sites.



G. Transfers – General Population Developments and Mixed Population (other than Fireside Apartments)

HACB has six types of transfers: Emergency, Administrative - Category 1, 2 and 3, and Incentive transfers. The definition of each type of transfer is found in the Transfer section of the Admissions and Occupancy Policy.

1. Emergency, Categories 1 and 2 Administrative, and Incentive transfers take precedence over admissions.
3. Category 3 administrative transfers will be processed at the rate of four admissions to each transfer.
4. The specific definitions of each type of transfer are covered in Section V, Transfers, below.
5. Tenants on the transfer list may refuse transfer offers for the “good cause” reasons cited in Section C above without losing their position on the transfer list.
6. Tenants receiving an offer of transfer must move within five working days of the date of the offer or from the date when the unit is ready for occupancy.
7. Tenants who refuse a transfer offer without good cause may be removed from the transfer list, and tenants whose transfers are mandatory are subject to lease termination. **24 CFR § 955.4(c)**
8. Tenants may use the HACB Grievance Procedure if they are refused the right to transfer or if HACB is requiring them to transfer and they do not want to do so. **24 CFR § 966.50**

H. Transfers – Fireside Apartments

HACB has established a Fireside Disabled Transfer list to allow HACB tenants who were disabled when they moved into public housing or became disabled afterward, to be considered for a transfer to Fireside Apartments. Only tenants who are disabled¹⁴ and under the age of 62 at the time they were initially assigned a unit of public housing and are a resident in good standing will be placed on the Fireside Disabled Transfer list. For purposes of the Fireside Disabled Transfer list a resident in good standing means a tenant who:

1. is current in his or her rent payments;
2. does not engage in conduct that constitutes a serious threat to the health, safety, or right to peaceful enjoyment of the premises by other residents and/or HACB employees, including, but not limited to:
 - a. criminal activity, which includes violent crimes, any drug related criminal activity occurring on or off, not just on or near, the HACB premises, and any other crime that poses a threat to the life, health, safety or peaceful enjoyment of the premises by other residents;
 - b. the illegal use of any controlled substance or the abuse of alcohol or the use of any controlled substance in such a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents; and
 - c. any other conduct that constitutes a serious threat to the health, safety, or right to peaceful enjoyment of the premises by residents or to HACB employees; and

¹⁴ Either disabled at the time they were initially assigned or who thereafter became disabled



3. meet the housekeeping standards of HACB.

For purposes of being transferred to a Fireside unit, tenants who are placed on the Fireside Disabled Transfer list who are more than 30 days behind on their rent or who owe any administrative charges pursuant to the terms of their lease with the HACB shall be placed on the Fireside Disabled Transfer list, but shall not be transferred until their rent is brought current and all administrative charges are paid. If a tenant reaches the top of the Fireside Disabled Transfer list, and is more than 30 days behind on their rent or owes administrative charges, the tenant shall not be transferred to the Fireside Apartments until the rent is brought current and all administrative charges are paid.

Families will be placed on the fireside Disabled Transfer list based on the date and time the tenant filed his/her last pre-application.

Selection from the Fireside Disabled Transfer list will be in accordance with the Tenant Selection and Assignment Plan.



IV. Leasing Policies

A. General Leasing Policy

1. Apartments will be leased without regard to race, religion, sex, age, national origin, disability and family status. **24 CFR §§ 1.4 and 100**
2. All public housing units must be occupied by families whose sole residence is the public housing apartment. **24 CFR § 966.4(f)**
3. All units must be occupied pursuant to a signed HACB lease that complies with HUD's regulations **24 CFR § 966.4.**
4. HACB will not offer nor move a family into an apartment that does not meet basic standards of habitability, including HUD occupancy standards. **24 CFR § 966.4(e)**
5. The lease shall be signed by the head, spouse, and all other adult members of the family and by the Executive Director or other authorized representative of HACB, prior to actual admission **24 CFR § 966.4 (p)**
6. The manager shall provide an explanation of the lease provisions either prior to move-in or at the time of move-in.
7. Changes in family composition, income or family status between the eligibility interview and leasing will be processed by the Occupancy Department. Changes after leasing will be processed by the Manager.
8. The resident shall pay a security deposit at the time of leasing. The security deposit shall be an amount set forth in the Lease. Pet deposits are in addition to the security deposit, in accordance with the *Pet Procedure*. **24 CFR § 966.4(b)(5)**
9. If a resident transfers from one HACB apartment to another, a new lease will be executed for the dwelling into which the family moves. **24 CFR § 966.4 (a)(ii)**
10. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either: **24 CFR § 966.4(c)**
 - a. A new lease agreement will be executed, or
 - b. A Notice of Rent Adjustment will be executed, or
 - c. An appropriate rider will be prepared and made a part of the existing lease.All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of HACB. **24 CFR § 966.4 (o)**
11. At the time of leasing the new resident will receive a copy of the HACB Lease and the following attachments:
 - a. Pet Policy
 - b. Grievance Procedure
12. If, at any time, the head of household dies or leaves the unit for any reason (institutionalization, incarceration, forming a new household elsewhere), HACB will permit the remaining members of the family to remain in the unit so long as:



- a. The remaining family member(s) report the death or departure of the head within ten days of the occurrence;
 - b. There is still at least one family member who was listed on the lease for the apartment;
 - c. There is at least one family member who is either an adult or an emancipated minor capable of executing a lease;
13. Residents are not permitted to allow roomers or boarders to occupy their apartment. Violation of this provision is grounds for lease termination;
 14. Residents are not permitted to allow a former resident of HACB who has been evicted to occupy their unit. Violation of this provision is grounds for lease termination.
 15. Residents must advise HACB if they will be absent from the apartment for more than 7 days. Residents shall notify the manager, secure the apartment and provide a means for HACB to contact the resident in an emergency. Failure to advise HACB of an extended absence is grounds for termination of the lease. The Executive Director or his designee may determine if a family may remain following incarceration of the only adult family member. See *HACB's Procedure on Incarceration*

B. Showing Units Prior to Leasing

1. Applicants shall have an opportunity to see the unit being offered before they accept the offer and lease the apartment in accordance with *HACB's Procedure on Showing Units Prior to Leasing*.
2. HACB will not show nor move a family into a unit that does not meet basic habitability standards,

C. Additions to and Deletions from the Resident Family and Household

1. Only persons listed on the most recent certification form and lease, or added in accordance with law or HACB's *Procedure on Additions to Resident Families/Households*, shall be permitted to occupy a dwelling unit (24 CFR § 966.4(a)(v)).
2. Family members added as a result of birth, adoption or court awarded custody do not require approval of HACB, although the family must notify HACB of the additional member. Generally HACB will approve the addition of other family or household member when that individual passes screening and does not overcrowd the family.
3. Residents who permit unauthorized individuals to occupy their units are subject to lease termination and eviction.

D. Visitors

1. Visitors are permitted in a dwelling unit in accordance with HACB's *Procedure on Visitors* so long as they have no previous history of behavior on HACB premises that would be a lease violation.
2. A guest may visit for a total of 14 days in any twelve-month period. Visits of more than three and less than 14 days are permitted, provided they are reported to the Manager within three days. Requests for guest visits that exceed 14 days in any twelve-month period must be approved by the Executive Director or his designated representative.



V. Transfer Policy

A. General Transfer Policy

1. Transfers are made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability. Transfers will be made in accordance with HACB's *Transfer Procedure*. **24 CFR § 100.5**
2. Transfers to Fireside Apartments and to 25 one-bedroom scattered site units are governed by the Tenant Selection and Assignment Plan. Once the ratio is reached for Fireside Apartments and 25 one-bedroom scattered site units have been leased in accordance with the Tenant Selection and Assignment Plan, all transfers to and from Fireside and the one-bedroom scattered site units will be processed in accordance with this Chapter.
3. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee.
4. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers. **24 CFR § 1.4(2)(ii)**
5. There is no notice requirement for emergency transfers, since, by definition, these involve danger to residents. There is no notice requirement for administrative transfers in which the resident is in danger from criminal elements or domestic violence, but all other categories of transfers require at least 30 days written notice¹⁵. **24 CFR § 966.4(h)**
6. When possible, HACB will allow a resident in good standing to choose the property to which to transfer for rehabilitation or redevelopment units.
7. HACB may, from time to time, revise the *Transfer Procedures* to expand the categories of transfers to create and implement special programs and/or incentives for the benefit of public housing residents.
8. If a family is transferred to another HACB public housing unit while under a court stipulation, the terms of the court stipulation will continue to apply to the family during its tenancy in the new unit.

B. Types of Transfers

1. The order in which families are transferred shall be hierarchic by category set forth below.
 - a. Emergency Transfers are mandatory when HACB determines that unit or building conditions pose an immediate threat to resident life, health or safety. In addition, mandatory transfers are made to resolve problems of a life-threatening nature that are not related to building or unit conditions. Such conditions could involve crime, domestic violence, hate crimes, medical or disability issues, or other situations that put a resident's life in danger from something other than the condition of the unit or building. A family that is verified to be subject to domestic violence at another PHA, may be transferred as an Emergency Transfer under this policy, following completion of all screening requirements. Approval for such a transfer may be made by the Executive Director or his designee. **24 CFR § 966.4(h)**

¹⁵ Transfers under the Relocation Rights Contract require 120 to 180 days notice.



- 1) HACB is not required to give prior notice of an Emergency Transfer;
 - 2) Emergency conditions that occur due to resident abuse or neglect will be grounds for emergency transfers, however resident will be charged for the damages caused to the apartment¹⁶. **24 CFR § 966.4(h)**
 - 3) Refusal to make an emergency transfer is grounds for lease termination and eviction.
- b. Administrative Transfers: These transfers shall take priority over new admissions.
- 1) Category 1 Voluntary administrative transfers to move residents with disabilities to accessible units or units with features that accommodate their disabilities better than those in their current apartments. Also included in this category are transfers of families living in accessible units who are required to move to accommodate a family requiring the accessibility features of the unit. **24 CFR § 8.27(1)**
 - 2) Category 2 This category of administrative transfers includes those due to modernization, revitalization, victim assistance, and severe over and under housing. It is set up in 3 sub priorities – A through C as described below
 - i. Sub priority A: Transfers to permit unit modernization and the revitalization of communities;
 - ii. Sub priority B: Transfers to alleviate threats from criminal elements and domestic violence;
 - iii. Sub priority C: Transfers for split families and severely over- or under-housed families; **24 CFR § 966.4(c)**
 - 3) Category 3 This category of administrative transfers includes mandatory transfers within sites or between sites may be made to: correct and avoid concentration of the most economically and socially deprived families; correct occupancy standards (Voluntary if the family is between the minimum and maximum occupancy standard but the family requests a transfer, e.g. to permit older children of opposite sexes to have separate bedrooms); or address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas.
- c. Incentive Transfers: Voluntary transfers to Mixed Income and scattered site properties available to residents who are both lease compliant and either working 30 hours per week or in full compliance with Community Service requirements and Voluntary transfers available to lease compliant residents of senior buildings (both elderly and non-elderly families) who wish to transfer from a designated elderly building and who were residents at the date of designation.
- Requests for these transfers will be made to the manager with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by HACB (e.g. moving a person with mobility problems to an apartment with accessible features).
2. Whenever feasible, transfers will be made within a resident's area or other location of the resident's choice.

C. Priorities for Transfers

¹⁶ Resident may challenge any charges for damages by using the HACB Grievance Procedure



1. The priorities detailed in this section are for all developments except Fireside and the 25 townhouses that will be leased to disabled families.
2. Transfers will be sorted into their appropriate categories by the Occupancy staff. Offers of apartments will be made in the following order:
 - a. Emergency transfers;
 - b. Administrative transfers in the following category order:
 - 1) Category 1: Reasonable accommodations for residents with disabilities
 - 2) Category 2: Three sub priorities below:
 - Modernization and Revitalization transfers
 - Problems of violence that are less than life-threatening
 - Serious overcrowding, over-housing, and split families
 - c. Incentive transfers;
 - d. New Admissions from the waiting list;
 - e. Category 3 Administrative transfers

D. Processing Transfers

1. Residents request transfers from managers and managers prepare the paperwork justifying transfers, which is submitted to Occupancy. Occupancy maintains transfer waiting lists and processes transfers for all properties except the Mixed Finance properties. For details on processing, see HACB *Procedure on Transfers*.
2. Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.
3. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for an Administrative transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the apartment, marriage takes place, or family decides to remain in the apartment and the apartment is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.
4. Split-family transfers will be processed as Category 2 administrative transfers.

E. Residents in Good Standing

1. In general, and in all cases of all incentive transfers, residents will be considered for transfers only if the head of household and other family members and guests under the resident's control:
 - a. Are current on rent without unpaid balance at any time in the past year or current on a repayment agreement;
 - b. Are current on utility payments to HACB or to utility supplier or are current with any repayment agreement with the HACB or utility supplier;



- c. Are in compliance with the terms of the lease and any additional terms required to be added to that lease by Federal law;
 - d. Meet reasonable housekeeping standards and have no housekeeping lease violations as documented by housekeeping inspection reports or work orders reflecting a pattern of damage caused by poor housekeeping; and
 - e. Have not destroyed, defaced, damaged or removed any part of an apartment or the development as documented by housekeeping inspection reports or work orders reflecting a pattern of damage or abuse.
2. Exceptions to the good record requirements may be made for emergency transfers or when it is to HACB's advantage¹⁷ to make the transfer. The exception to the good record requirement will be made by the central transfer administrator taking into account the recommendation by the Manager.
 3. Absent a determination of exception, the following policy applies to transfers:
 - a. If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in full.
 - b. A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

F. Cost of Transfers

1. HACB will pay the moving costs of all transfers except incentive transfers and those due to changes in family size;
2. Transfers in connection with accessibility, modernization, or revitalization will include moving expenses.

G. Split Family Transfers

1. Certain families will qualify for split family transfers in accordance with HACB's *Transfer Procedure*.
2. Families may qualify for split family transfers through regular annual reexaminations of income and family composition.
3. Generally the following must be true:
 - a. The original family must be both lease compliant and overcrowded; and
 - b. The splitting family must be able to pass applicant screening.
4. The presence of an additional adult family member, with or without children, does not automatically qualify a family for a split family transfer if there is no overcrowding.
5. If a family requests a split and the original family later violates the lease and the family requested a split before the implementation of this procedure or before the lease violation occurred, and the splitting family was not involved in the lease violation and meets all other requirements to split, the split will still be granted.

¹⁷ e.g. a single person is living alone in a three bedroom unit and does not want to move



VI. Annual Reexaminations of Income and Family Circumstances

A. Eligibility for Continued Occupancy

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

1. Qualify as a family as defined in Section XII of this policy.¹⁸
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease. **24 CFR § 966.4(f)**
3. Whose family members, age 6 and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number. **24 CFR § 5.216**
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent **24 CFR § 5.5**
5. Who are in compliance with the HACB's 8 hour per month Community service requirements.¹⁹
6. Who successfully pass an annual criminal history check, in accordance with Section II of this policy.

B. Remaining Family Members and Prior Debt

1. If the head of household dies or leaves the unit, continued occupancy by remaining family members is permitted only if:
 - a. The family reports the departure (or death) of the head of household within 10 days of the occurrence; and
 - b. The family includes a member who can pass screening and is either of legal age to execute a lease or is a Court recognized emancipated minor; and
 - c. The new head signs a new lease within 30 days of the departure of the former head.
2. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse.
3. HACB will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.
4. HACB will not hold remaining family members under age 18 for rent arrearages incurred by the former head of household.
5. Household members (i.e., foster children, live-in aides) have no rights as a remaining family member.

C. Reexaminations

1. Regular reexaminations: HACB shall, at least once a year, re-examine the family composition and incomes of all resident families in accordance with the *Procedure on Annual Reexamination*, except

¹⁸ For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court recognized emancipated minors under age 18

¹⁹ applicable to certain adults who are neither elderly, disabled, working nor participating in qualifying educational or job training programs



that families paying Flat Rent shall have their incomes reexamined only every three years **24 CFR § 960.257**

2. Special Reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled at least every 60 days until a reasonably accurate estimate of income can be made. **24 CFR § 5.609(d)**
3. A special reexamination shall be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder. **24 CFR § 960.257**
4. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined at least every 60 days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income. **24 CFR § 5.609**
5. If HACB is terminating the lease of a resident when the resident is scheduled for reexamination, the reexamination will be completed but a new lease will not be executed.
 - a. If HACB prevails in the lease termination action, a new lease will not be executed, and the resident will be evicted;
 - b. If the resident prevails in the lease termination action, a new lease will be executed.
6. If HACB discovers criminal activity by an adult family member when they perform the criminal history check for reexamination, they will begin lease termination action.
7. Action Following Reexamination: If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued. **24 CFR § 966.4(a)(3)**
 - a. If any change in the apartment size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above in this policy and moved to an appropriate apartment when one becomes available. **24 CFR § 966.4(c)(3)**
 - b. The Notice of rent adjustment will include the current rent, the new rent, the date when the new rent takes effect, the reason for the rent adjustment, and the fact that the resident has the right to request a Grievance hearing if he/she disagrees with the new rent.
8. Effective Date of Adjustments
 - a. Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.
 - b. Rent decreases go into effect the first of the month following the report of a change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
 - c. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.
 - d. Rent increases due to misrepresentation are retroactive to the first of the month following the event that was misrepresented or not reported.



VII. Interim Rent Adjustments: Fixed Rent System

A. Adjusting Rent between Regular Reexaminations

1. Residents are required to report all changes in family composition or status to the housing manager within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. **Residents are also required to report interim increases in income.**
2. HACB wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change. HACB will process interim changes in rent in accordance with the chart below:

<u>INCOME CHANGE</u>	<u>HACB ACTION</u>
(a) Decrease in income for any reason, <u>except</u> for decrease that is subject to Imputed Welfare Income rules ²⁰ .	• HACB will process an interim reduction in rent if the income decrease will last more than 30 days. 24 CFR § 5.609
(b) Increase in income following HACB granting of interim rent decrease.	• HACB will process an interim increase for income increases that follow interim rent reductions.
(c) Increase in earned income from the employment of a current household member.	• HACB will either defer the increase to the next regular reexamination or, if the individual is eligible for an earned income disallowance, grant the disallowance. 24 CFR § 960.255
(d) Increase in unearned income (e.g. COLA adjustment for social security).	• HACB will defer the increase to the next regular reexamination.
(e) Increase in income because a person with income (from any source) joins the household.	• HACB will process an interim rent increase.
(f) Increase in monetary or non-monetary income after Resident claimed zero income	• HACB will process an interim rent increase.

3. HACB will process an interim increase in rent only if
 - a. the resident's income increases after the resident was granted an interim decrease in rent; or
 - b. the resident reported zero income and has a verified increase in income (which may be a non-monetary contribution); or
 - c. the resident has misrepresented or failed to report facts upon which rent is based, so the rent the Resident is paying is less than it should have been.

²⁰ Decreases in welfare income resulting from welfare fraud or from cuts for failure to comply with economic self-sufficiency requirements are not eligible for rent reductions (**24 CFR § 5.615**).



- d. HACB will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.
4. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by according to HACB *Procedure on Verification 24 CFR § 960.259(c)*
5. HACB will process interim decreases in rent as follows:
 - a. When a decrease in income is reported, and HACB verifies that the decrease will last less than 30 days, an interim adjustment will not be processed.
 - b. Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.
6. Residents granted a reduction in rent are required to report for special reexaminations at intervals determined by the Manager. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.
7. If residents experience a decrease in income from public assistance because their grant is cut for one of the two following reasons, their rent will not be reduced:
 - a. Welfare department has reduced the grant because of welfare fraud; or
 - b. Welfare department has reduced the grant because the family failed to comply with economic self-sufficiency requirements.
8. If a resident challenges the welfare department's reduction of their grant, an interim reduction in rent will be processed until the matter is settled by the welfare department.
9. If the welfare department upholds the grant reduction, the resident shall owe a retroactive rent on the interim rent reduction granted in "c" above.
10. If the welfare department overturns the grant reduction, no retroactive balance is owed.

B. Interim Changes in Family Composition

1. All changes in family composition must be reported within ten days of occurrence. These changes would include:
 - a. Someone listed on the lease leaving the unit;
 - b. Birth, adoption or court-awarded custody of a child;
2. Additions of the following persons must be requested in writing and require written permission from HACB or the manager before the persons may move into the apartment:
 - a. Adult family member (including a new spouse);
 - b. Foster child or children;
 - c. Foster adult;
 - d. Live-in Aide;
 - e. Child in kinship care.



3. All adults who are proposed for addition to a family or household must be screened by the occupancy department, and, with the exception of Live-in Aides, must not overcrowd the unit.

C. Effective Date of Rent Adjustments

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

1. Rent decreases go into effect the first of the month following the report of a change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
2. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.

D. Earned Income Disallowances

1. If a resident goes to work or has new or additional earned income and qualifies under one of the following three criteria, that individual will receive an Earned Income Disallowance (EID) as described below:
 - a. Goes to work after having been unemployed for at least twelve months, or goes to work after having earned less than would be earned working ten hours per week for a fifty week year earning minimum wage; or
 - b. Receives new or increased earned income during participation in an education, job training, or other economic self sufficiency activity; or
 - c. Receives new or increased earned income within six months of having received a cash benefit or in-kind services funded through the program of Temporary Assistance to Needy Families (TANF). If an in-kind benefit (child care, clothing or transportation subsidies for example²¹) was received it must be worth at least \$500 in the past six months.
2. During the first 12 months after the date when the resident qualified for the EID, the resident's rent will not be increased because of the new earned income. Rent during this period will be based on the resident's income before qualifying for the EID plus any increases in unearned income that may occur after qualifying for the EID.
3. During the second 12 months after the date the resident qualified for the EID, the resident's rent will be increased by an amount equal to fifty percent of what the increase would be if not for the EID.
4. The disallowance periods described in number 3 and 4 above only occur while the resident is employed. If the resident stops working for any reason the disallowance stops and resumes again when the resident goes back to work.
5. Even if the full 24 months of disallowance (12 months of full disallowance plus 12 months of 50% disallowance) have not been used, the EID will terminate 48 months from the date when the resident first qualified for the EID.

²¹ Food stamps, Medicaid and social security are NOT considered TANF benefits.



6. An EID is awarded to a person, not an entire family. More than one adult family member can receive an EID at the same time if they qualify as described under number 1 above.
7. No one receives more than one EID in a lifetime.
8. Residents may qualify for a retroactive EID if all the following are true:
 - a. The residents had new or increased earned income and qualified for an EID after 10/1/99; and
 - b. The resident reported the increased income; and
 - c. HACB increased the resident's rent; and
 - d. The resident paid the increased rent.
9. Before the amount potentially owed to a resident for a retroactive rent credit is determined, any amounts owed to HACB by the resident shall be deducted.
10. If a resident qualifies for a retroactive EID as described in "8" above, he/she shall be entitled to the choice of a payment of the retroactive amount due as calculated above, or a prospective rent credit.



VIII. Lease Termination Procedures

A. General Policy: Lease Termination

1. Either HACB or the Resident may terminate tenancy at any time in accordance with all applicable Federal, State and local laws and the lease terms **24 CFR § 966.4(I)**
2. Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for eviction tenant or immediate member of a tenant's family who is a victim of the domestic violence, dating violence, or stalking. Nothing limits HACB from pursuing eviction for other good cause unrelated to the incident or incidents of domestic violence, provided that the victim is not subject to a more demanding standard than non-victims. (42 U.S.C. 13925)

B. Resident-initiated Lease Terminations

1. Resident may terminate tenancy by providing 30 days written notice to HACB or the Manager.

C. HACB-initiated Lease Terminations

1. HACB or its manager terminates the lease only for serious or repeated violations of the material provisions of the lease. **24 CFR § 966.4(I)**
2. Manager shall give written notice of proposed lease termination in the form required by the lease and applicable regulations in English or Spanish, or, in the case of a resident with disability, in the format requested by the resident **24 CFR § 966.4(I)**
3. Notices of lease termination can be served personally, and if posted on the apartment door, shall also be sent to the resident by Certified Mail. Return of the Certified Mail receipt, whether signed or unsigned, shall be considered to be proof that the resident received proper notification.
4. In accordance with the lease and grievance procedure, HACB shall notify Resident in the lease termination notice of Resident's grievance rights if the lease termination is subject to the Grievance Procedure.

D. Eviction Actions

1. HACB may evict a resident from the apartment only by bringing a Court action.
2. The Sheriff's office or another legally authorized department is the only entity authorized to execute an eviction.
3. If HACB files an eviction action against a resident, the resident will be liable for Court costs, excluding attorney's fees, unless the resident prevails in the action;
4. HACB is not required to prove that the resident knew or should have known that a family member, household member, guest, or other person under the resident's control was engaged in the action that violated the lease.



- a. The resident may raise as a defense that the resident did not know nor should have known about the action that violated the lease.
 - b. The resident must prove this defense by the preponderance of the evidence.
5. In deciding whether or not to evict for criminal activity HACB may consider all the circumstances of the case, including the seriousness of the offense, the extent of participation by family members and the effect that the eviction would have on family members not involved in the proscribed activity.
 6. In appropriate cases, HACB may permit continued occupancy by remaining family members and may impose a condition that the family members who engaged in the proscribed activity will neither reside in nor visit the dwelling unit.
 7. HACB may require a resident who has engaged in the illegal use of drugs to present evidence of successful completion of a treatment program as a condition to be allowed to visit and/or reside in the dwelling unit.
 8. HACB may require that the remaining family members live in strict compliance with the lease and that the family be placed on probation for an appropriate period of time.

E. Record keeping Requirements

1. A written record of every termination and/or eviction shall be maintained by HACB, and shall contain the following information:
 - a. Name of resident, race and ethnicity, number and identification of apartment occupied;
 - b. Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
 - c. For lease terminations for criminal activity, a note in the file with the date, case number and source of information relating to the Notice of Arrest or Notice of the Incident
 - d. For "for cause" lease terminations, copies of any occurrence reports, lease violation notices, or other appropriate documentation of the underlying facts surrounding the incident that is the subject of the eviction;
 - e. Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
 - f. Date and method of notifying resident; and
 - g. Summaries of any conferences held with resident including dates, names of conference participants and conclusions;
 - h. Copy of the served Termination Notice;
 - i. Copy of any agreed settlement orders;
 - j. Copy of any post-judgment agreements.



IX. Utilities

A. Resident-Paid Utilities **24 CFR § 965 & 966.4(b)(2)**

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

1. In units with Resident-paid utilities, paying the utility bill in a timely manner is an obligation under the lease and failure to pay in a timely manner is a serious violation of the lease, subject to lease termination. **24 CFR § 960.253(c)(3) and 966.4(b)**
2. If a resident or applicant is unable to get utilities connected because of bad credit or a previous balance owed to the utility company at a prior address, the resident or applicant will not be permitted to move into a unit with resident-paid utilities. **24 CFR § 960.203**
3. When a resident makes application for utility service in his/her own name, he or she **must** sign a third-party notification agreement for each utility service so that HACB will be notified if the resident fails to pay the utility bill.
4. Each resident will receive a monthly Utility Allowance that reflects a reasonable amount of utilities for the specific size and type of apartment occupied. **24 CFR § 5.609**
5. Residents who pay their utility bills directly and are paying an income-based rent have the amount of rent owed to HACB reduced by the amount of the Utility Allowance. In other words, the resident's Total Tenant Payment, less the Utility Allowance equals the Tenant Rent owed to HACB.
6. When a resident's Total Tenant Payment is less than the utility allowance, HACB will pay a utility reimbursement, equal to the difference between one month's total tenant payment and the utility allowance, to the utility company on the resident's behalf. **24 CFR § 5.632**
7. Residents on whose behalf Utility Reimbursements are paid to the utility company are required to pay the utility supplier for any use in excess of that covered by the Utility Allowance;
8. If the resident's actual utility bill is less than the Utility Allowance, the resident receives the saving.
9. When the utility supplier offers a "Budget" payment plan, Manager shall suggest that Resident use this plan to protect the resident from seasonal fluctuations in utility bills.
10. HACB may elect to pay the utility reimbursement directly to the utility company.
11. During the annual reexamination, residents with tenant paid utilities must be able to demonstrate that each utility service bill is fully paid.

B. Excess Utility Charges

1. Check-metered developments or buildings: In buildings that are check-metered, residents shall have consumption-based utility allowances that reflect the size and type of units and actual equipment provided by HACB. Check meters are read by HACB and each tenant charged for consumption in excess of the utility allowance at the rate paid by HACB.
2. In buildings where utilities are not individually metered and there are no check meters, HACB may make excess utility charges for the use of certain resident-supplied appliances in excess of those supplied by HACB. Examples include:



- a. Second refrigerator;
- b. Air conditioner;
- c. Freezer

C. Reasonable Accommodations 24 CFR § 8.4 and 966.7

1. Residents with disabilities may be entitled to higher than normal utility allowances or may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.



X. Flat Rents

A. Flat Rents

1. Flat rents are market-based rents.
2. Flat rents vary by apartment size and type and also by development location.
3. Flat rents do not have a utility allowance. An apartment with resident-paid utilities should have a lower flat rent than the same apartment with project-paid utilities.
4. HACB will take the following information into account in developing its Flat rent Schedule:
 - a. Rents of non-assisted rental units in the immediate neighborhood
 - b. Whether utilities are resident-paid or project-paid
 - c. Size of HACB's units compared to non-assisted rental units from the neighborhood
 - d. Age, type of apartment and condition of HACB's units compared to non-assisted rental units from the neighborhood
 - e. Land use in the surrounding neighborhood
 - f. Amenities (childcare, laundry facilities, playgrounds, community rooms, social services, education/ job training programs, etc.) at HACB's properties and in the surrounding neighborhood
 - g. Crime in HACB's developments and the surrounding neighborhood
 - h. Quality of local schools serving each HACB development
 - i. Availability of public transportation at each HACB development
 - j. Availability of accessible units for persons with mobility impairments.

B Update of Flat Rents

1. HACB shall review the Flat Rent structure periodically and adjust the rents as needed.
2. Flat rents may either be increased or decreased based on the market rents as described above.
3. When a resident chooses Flat rent, his/her rent shall be adjusted only at the next regular reexamination/ recertification rather than at the point the Flat rent may change.

C Choice of Rent

1. Once each year, beginning with admission, each family is offered a choice between paying the income-based rent and the Flat rent applicable to the unit they will be occupying.
2. Because of the way the Federal law is written, choice of Flat rent may only be offered at admission and annual reexamination.



D. Recertification of Families on Flat Rents

Families paying flat rents are required to recertify income only every three years, rather than annually, although they are still required to participate in an Annual Reexamination in order to ensure that apartment size is still appropriate, Community Service requirements (if applicable) are met and an Release of Information (Form HUD 9886) is signed by all adult household members. **24 CFR § 960.257 (a)(2)**

E. Hardship Reduction in Flat Rents

1. If a resident who opted for Flat Rent experiences a decrease in income, the Manager will perform an Interim Reexamination of Income.
2. If the reduction in income will last more than 30 days, and the income based rent is lower than the flat rent, the Manager will reduce rent to the income-based rent based on verified income information. **24 CFR § 960.253 (f)**



XI. Determining Income and Rent

A. Annual Income 24 CFR § 5.609

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

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

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property;
4. If the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;
5. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts [See B. 14. below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.];
6. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (But see paragraph B. 3. below concerning treatment of lump-sum additions as Family assets.);
7. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
8. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and



9. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B. 7. below concerning pay for exposure to hostile fire.)

B. Excluded Income 24 CFR § 5.609

Annual Income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);

(See paragraph 14. below for treatment of delayed or deferred periodic payments of social security or supplemental security income benefits.)

4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (See Section 12 of these policies);
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
 - a. Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
 - b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - d. A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the HACB, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; and
 - e. Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by



this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the HACB;

9. Temporary, non-recurring, or sporadic income (including gifts);
10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply:
 - a. State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the HACB in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500.
 - b. During the 12-month period beginning when the member first qualifies for a disallowance, the HACB must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.
 - c. Regardless of how long it takes a resident to work for 12 months (to complete the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
 - d. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).
14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
16. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;



17. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

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

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977; **7 USC 2017 (h)**
- b. Payments to volunteers under the Domestic Volunteer Service Act of 1973; **42 USC 5044 (g), 5088**
- c. Examples of programs under this Act include but are not limited to:
 - the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
 - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- d. Payments received under the Alaska Native Claims Settlement Act; **43 USC.1626 (a)**
- e. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes; **25 USC. 459e**
- f. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; **42 USC 8624 (f)**
- g. Payments received under programs funded in whole or in part under the Job Training Partnership Act; **29 USC 1552 (b)**
- h. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians; **P. L. 94-540, 90 State 2503-04**
- i. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims **25 USC 1407-08**, or from funds held in trust for an Indian Tribe by the Secretary of Interior; and **25 USC 117b, 1407**
- j. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. **20 USC 1087 uu**
 - Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- k. Payments received from programs funded under Title V of the Older Americans Act of 1965: **42 USC 3056 (f)**



- Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- l. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- m. Payments received under Maine Indian Claims Settlement Act of 1980; **P.L. 96-420,94 Stat. 1785**
- n. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; **42 USC 9858q**
- o. Earned income tax credit refund payments received on or after January 1, 1991 **26 USC 32 (j)**
- p. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- q. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;
- r. Any allowance paid under the provisions of **38 U.S.C. 1805** to a child suffering from spina bifida who is the child of a Vietnam veteran;
- s. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act; and
- t. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.

C. Anticipating Annual Income **24 CFR § 5.609(d)**

If it is not feasible to anticipate income for a 12-month period, the Authority may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. For residents that work seasonally (for example, school bus drivers or school cafeteria workers), income received over the seasonal period will be annualized, so that interim adjustments will not be necessary during the summer months.

D. Adjusted Income (24 CFR § 5.611)

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

For All Families

1. **Child Care Expenses** — A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when



such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by HACB when the expense is incurred to permit education or to seek employment.

2. **Dependent Deduction** — An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.
3. **Work-related Disability Expenses** — a deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

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

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

For elderly and disabled families only:

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

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by HACB for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

- a. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.
- b. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph 3 (b) above.



5. **Elderly/Disabled Household Exemption** — An exemption of \$400 per household. See Definitions in the next section.
6. **Optional Deductions/Exemptions:** HACB may amend this policy and grant further deductions. Any such deduction would be noted here. HUD does not increase operating subsidy to offset additional deductions.

E. Computing Income-based Rent and Choice of Rent 24 CFR § 5.628

1. Total Tenant Payment (TTP)

- a. The first step in computing income-based rent is to determine each family's Total Tenant Payment.
- b. Then, if the family is occupying an apartment that has tenant-paid utilities, the Utility Allowance is subtracted from the Total Tenant Payment.
- c. The result of this computation, if a positive number, is the Tenant Rent.
- d. If the Total Tenant Payment less the Utility Allowance is a negative number, the result is the utility reimbursement, which is paid directly to the utility company by the HACB.

2. Total Tenant Payment (income-based rent) is the higher of:

- 30% of adjusted monthly income;
- or
- 10% of monthly income;
- but never less than the
- **Minimum Rent of \$50**

3. Tenant rent

- a. Tenant rent is computed by subtracting the utility allowance for tenant-supplied utilities (if applicable) from the Total Tenant Payment.
- b. In developments where the HACB pays all utility bills directly to the utility supplier, Tenant Rent equals Total Tenant Payment. **24 CFR § 5.634**

4. Minimum Rent

The Minimum Rent shall be \$50 per month.

5. Minimum rent hardship exemption

A hardship exemption shall be granted to residents who can document that they are unable to pay the \$50 because of a long-term hardship (over 90 days). Examples of situations under which residents would qualify for the hardship exemption to the minimum rent are limited to the following: **24 CFR § 5.630**

- a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
- b. The family would be evicted as result of the imposition of the minimum rent requirements;



- c. The income of the family has decreased because of changed circumstances, including loss of employment;
 - d. A death in the family has occurred;
6. Being exempted from paying minimum rent does not mean the family automatically pays nothing. Instead, the family is required to pay the greater of 30% of Adjusted Monthly Income or 10 percent of monthly income.

7. Choice of Rent

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



XII. Definitions of Terms Used in This Statement of Policies

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

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

2. Accessible Facility - means all or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities. **24 CFR § 8.21**
3. Accessible Route - For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. **24 CFR § 8.3 & § 40.3.5**
4. Adaptability - Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability. **24CFR § 8.3 & § 40.3.5**
5. Alteration - any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems. **24 CFR § 8.3 & § 8.23 (b)**
6. Applicant – an individual or a family that has applied for admission to housing.
7. Area of Operation - Jurisdiction of HACB as described in state law and HACB’s Articles of Incorporation.
8. Assets - Assets means “cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets.” See the definition of Net Family Assets, for assets used to compute annual income. **24 CFR § 5.603**
9. Auxiliary Aids - means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. **24 CFR § 8.3**
10. Care attendant - a person that regularly visits the apartment of a HACB resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by HACB must demonstrate separate residence) and do not live in the public housing apartment. Care attendants have no rights of tenancy.
11. Citizen – Citizen (by birth or naturalization) or national of the United States. **24CFR § 5.504**
12. Co-head of household – One of two persons held responsible and accountable for the family.



13. Community Service Requirements – The performance of voluntary work or duties that benefit the public and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities. See HACB *Procedure on Community Service*.
14. Covered Families for Welfare Benefits – Families who receive welfare assistance or other public assistance benefits (welfare benefits) from a state or other public agency (welfare agency) under a program for which federal, state or local law requires that a member of the family participate in an economic self sufficiency program as a condition for such assistance.
15. Covered Person – For the purposes of lease enforcement, covered person means a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control. **24 CFR § 5.A**
16. Dependent - A member of the household, other than head, spouse, sole member, foster child, or Live-in Aide, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student. **24 CFR § 5.603**
17. Designated Family - means the category of family for whom HACB elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. **PL 96-120**
18. Designated housing (or designated project) - a project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with **PL 96-106**.
19. Development – The whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots that are covered by a single contract for federal financial assistance, or are treated as a whole for processing purposes, whether or not located on a common site. **24 CFR § 5.603**
20. Disability Assistance Expenses – Reasonable expenses that are anticipated during the period for which annual income is computed for attendant care or auxiliary apparatus for a disabled family member that are incurred to permit an adult family member (including the person with disability) to be employed, provided that the expenses are not paid to a family member, reimbursed by an outside source, and exceed 3 percent of Annual Income.
21. Disabled Family - A family whose head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. **24 CFR § 5.403**
22. Displaced Person – A person who is displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally recognized pursuant to federal disaster relief laws **24 CFR § 5.403(b)** For purposes of redevelopment activities, a family may also be displaced as defined in the Uniform Relocation Act. Such families have been displaced if they have been required to permanently move from real property for the rehabilitation or demolition of such property. These families may be entitled to specified benefits under the Uniform Relocation Act. **49 CFR § 24.2**



23. Divestiture Income - Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets **24 CFR § 5.603** in this section.)
24. Drug-Related Criminal Activity – The illegal manufacture, sale, distribution, use or possession of a controlled substance with intent to manufacture, sell, distribute, or use the drug. **24 CFR § 5.A**
25. Economic Self-Sufficiency Program – Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment, counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including substance abuse or mental health treatment) or other work activities. **24 CFR § 5.603**
26. Elderly Family - A family whose head or spouse (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. **24 CFR § 5.403**
27. Elderly Person - A person who is at least 62 years of age. **42 USC 1437a(b)(3)**
28. Eligible Immigration Status – For a non-citizen, verification of immigration status eligible for assisted housing consisting of a signed certification and the original copy of an acceptable INS document. **24 CFR § 50508**
29. Emancipated Minor – A person under age 18 who does not live or intend to live with his/her parents, and who has been declared “emancipated” by a court of competent jurisdiction. An emancipated minor is eligible to be a head of household and sign a HACB lease.
30. Extremely Low Income Family – A Family whose Annual Income is equal to or less than 30% of Area Median Income, as published by HUD adjusted for family size.
31. Family - Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in HACB housing; **OR** two or more persons who are not so related, but are regularly living together, can verify shared income or resources who will live together in HACB housing.

The term family also includes: Elderly family (Definition #18), Near elderly family (Definition #32) disabled family (Definition #15), displaced person (Definition #16), single person (Definition #41), the remaining member of a tenant family, or a kinship care arrangement (Definition #25). Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family. **24 CFR §§ 5 and 960**

Live-in Aides (Definition #26) may also be considered part of the applicant family's household. However, live-in aides are not family members and have no rights as “remaining family members”.

Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult



or adults placed in the home by a public adult placement agency. These individuals are household members but are not family members and have no rights as “remaining family members”.

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

32. Foster Adult – An adult (usually a person with disabilities) who is placed in someone’s home by a governmental agency so the family can help with his/her care. Foster adults may be members of HACB households, but they have no rights as remaining family members. The income received by the family for the care of a Foster Adult is excluded from Annual Income.
33. Full-Time Student - A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school **24 CFR 5.603**
34. Guest – For the purposes of resident selection and lease enforcement, a guest is a person temporarily staying in the unit with the consent of the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. **24CFR § 5.A**
35. Head of the Household - Head of the household means the family member (identified by the family) who is held responsible and accountable for the family.
36. Imputed Welfare Income – The amount of Annual Income by which a resident’s welfare grant has been reduced because of welfare fraud or failure to comply with economic self sufficiency requirements that is, nonetheless, included in Annual Income for determining rent. **24 CFR § 5.615(b)**
37. Individual with Disabilities, Section 504 definition **24 CFR § 8.3**

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

- a. A physical or mental impairment that:
 - substantially limits one or more major life activities;
 - has a record of such an impairment; or
 - is regarded as having such an impairment.
- b. For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.
- c. Definitional elements:

“physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs;



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

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

"Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or

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

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

NOTE: A person would be covered under the first item if HACB refused to serve the person because of a perceived impairment and thus "treats" the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of HACB's housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.

- d. The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered.

The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.

38. Kinship care - an arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National Association for Public Interest Law) The primary caregiver must be able to document Kinship care, which is usually accomplished through school or medical records.
39. Live-in Aide - A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who: (a) is determined by HACB to be essential to the care and well being of the person(s); (b) is not obligated to support the family member; and (c) would not be living in the apartment except to provide the necessary supportive services **24 CFR 5.403**



40. Low-Income Household - A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjusted for smaller family size. **42 USC 1437a(b)**
41. Medical Expense Allowance - For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expense not compensated for or covered by insurance in excess of 3% of Annual Income. **24 CFR § 5.603**
42. Minor - A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. (See definition of dependent.) Some minors are permitted to execute contracts, provided a court declares them "emancipated".
43. Mixed Family – a family with both citizen or eligible immigrant members and members that are neither citizens nor eligible immigrants. Such a family will be charged a pro-rated rent. **24 CFR § 5.504**
44. Mixed Population Project - means a public housing project for elderly and disabled families. The HACB is not required to designate this type of project.
45. Multifamily housing project - For purposes of Section 504, means a project containing five or more dwelling units. **24 CFR § 8.3**
46. National – A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. **24 CFR § 5.504**
47. Near-elderly family - means a family whose head, spouse, or sole member is a near-elderly person who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well being of the near-elderly person or persons. A near-elderly family may include other family members who are not near elderly. **24 CFR § 5.403**
48. Near-elderly person - means a person who is at least 50 years of age but below 62, who may be a person with a disability **42 USC 1437a(b)(3)**
49. Net Family Assets - The net cash value, after deducting reasonable costs that would be incurred in disposing of: **24 CFR § 5.603**
 - a. Real property (land, houses, mobile homes)
 - b. Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)
 - c. Cash value of whole life insurance policies
 - d. Stocks and bonds (mutual funds, corporate bonds, savings bonds)
 - e. Other forms of capital investments (business equipment)

Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity.

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



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

50. Other Person Under the Resident's Control - for the purposes of resident selection and lease enforcement means that the person, although not staying as a guest in the unit is, or was at the time of the activity in question, on the premises because of an invitation from the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not "under the resident's control". **24CFR § 5.A**
51. Person with disabilities²² **42 USC 1437a(b)(3)** means a person²³ who —
 - a. Has a disability as defined in Section 223 of the Social Security Act **42 USC 423** ; or,
 - b. Has a physical or mental impairment that:
 - Is expected to be of long continued and indefinite duration;
 - Substantially impedes his/her ability to live independently; and,
 - Is of such nature that such disability could be improved by more suitable housing conditions; or,
 - c. Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act 42 USC 6001 (5).
52. Portion of Development - includes, one or more buildings in a multi-building project; one or more floors of a development or developments; a certain number of dwelling units in a development or developments. **24CFR § 945.105**
53. Refusal of Housing – An applicant's choice not to accept a HACB offer of housing without good cause.
54. Rejection for Housing – HACB's determination not to accept an applicant either because of ineligibility or failing applicant screening.
55. Qualified Individual with Disabilities, Section 504 - means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the HACB can demonstrate would result in a fundamental alteration in its nature.
 - a. Essential eligibility requirements include: ...stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the HACB.
 - b. For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or

²² NOTE: this is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission. **24 CFR 8.4 (c) (2)**

²³ A person with disabilities may be a child



safety in the absence of necessary supportive services may be “qualified” for occupancy in a project where such supportive services are provided by the HACB as a part of the assisted program. The person may not be ‘qualified’ for a project lacking such services. **24 CFR § 8.3**

56. Service Provider - a person or organization qualified and experienced in the provision of supportive services, that is in compliance with applicable licensing requirements imposed by state or local law for the type of service to be provided. The service provider may be either a for-profit or a non-profit entity.
57. Single Person - A person who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.
58. Spouse - Spouse means the husband or wife of the head of the household.
59. Tenant Rent - The amount payable monthly by the Family as rent to HACB. If all utilities (except telephone) and other essential housing services are supplied by the HACB, Tenant Rent equals Total Tenant Payment. If some or all utilities (except telephone) and other essential housing services are not supplied by the HACB the cost thereof is not included in the amount paid as rent, and Tenant Rent equals Total Tenant Payment less the Utility Allowance **24 CFR § 5.6**.
60. Total Tenant Payment (TTP) - The TTP is calculated using the following formula:
The greater of 30% of the monthly Adjusted Income (as defined in these policies) or 10% of the monthly Annual Income (as defined in these policies), but never less than the Minimum Rent. If the Resident pays utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP. **24 CFR §5.6** See definition for Tenant Rent
61. Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically disabled persons will have ready access to and use of such structures. The standards are set forth in Appendix A to 24 CFR Part 40. See cross-reference to UFAS in 504 regulations, **24 CFR § 8.32 (a)**.
62. Utilities - Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility **24 CFR § 965.473**
63. Utility Reimbursement - Funds reimbursed to the utility company on the resident’s behalf if the utility allowance exceeds the Total Tenant Payment. Families paying Flat rent do not receive Utility Allowances and, consequently, will never qualify for utility reimbursements.
64. Very Low-Income Family – A very low-income family has an Annual Income less than 50 percent of the median Annual Income for the area, adjusted for family size, as determined by HUD.
65. Welfare Assistance– Welfare or other payments to families or individuals based on need, that are made under programs, separately or jointly, by federal, state or local governments.
66. Work Activities – As used in the HUD definitions at **24 CFR § 5.603** the term work activities means:
 - a. Unsubsidized employment;
 - b. Subsidized private sector employment;
 - c. Subsidized public sector employment;
 - d. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;



- e. On-the-job training;
- f. Job search and job readiness programs;
- g. Community service programs;
- h. Vocational educational training (< 12 months)
- i. Job skills training directly related to employment;
- j. Education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;
- k. Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence;
- l. The provision of child care services to an individual who is participating in a community service program.



XIII. HACB COMMUNITY SERVICE POLICY

A. Background

1. HACB is working to enable its residents to become fully economically independent. In support of this goal, HACB is requiring that all non-exempt members of resident families meet monthly targets for neighborhood service or economic self-sufficiency.
2. The Community Service requirement is 8 hours per month for each non-exempt adult (not for each family with a non-exempt adult).
3. Compliance with Community Service activities is monitored by monthly contact between the non-exempt resident and the Manager.

B. Definitions

1. **Community Service** - volunteer work that benefits the property or the local neighborhood includes, but is not limited to:
 - a. Work at a local institution, including but not limited to: school, community center, hospital, hospice, recreation center, senior center, adult day care program, homeless shelter, meals or feeding program, library or bookmobile, before- or after-school education program, or child care center, etc.;
 - b. Work with a non-profit organization that serves HACB residents or their children, including but not limited to: Boy Scouts, Girl Scouts, Boys or Girls Club, 4-H Club, PAL, Garden Center, Neighborhood clean-up programs, Beautification programs, etc.;
 - c. Work with a community arts program involving performing arts, fine arts, visual arts or crafts including but not limited too community theater, dance, music (orchestra, voice, band, small ensemble, etc.) , etc.;
 - d. Work with any program funded under the Older Americans Act, including but not limited to: Green Thumb, Service Corps of Retired Executives, Meals on Wheels, etc.;
 - e. Work with service programs sponsored by churches so long as they do not involve religious education or the practice of religion (e.g. a meals program for the homeless sponsored by a church and provided in the parish hall would be acceptable, teaching Sunday School would not);
 - f. Work with other youth, disability service or advocacy, or senior organizations;
 - g. Work at the property to help improve physical conditions (for example as a grounds or building captain, or on a beautification program for the building or grounds);
 - h. Work at the property to help with children's programs;
 - i. Work at the property to help with senior programs;
 - j. Help neighborhood groups with special projects;
 - k. Work through the Resident Association to help other residents with problems, serving as an officer in an RA, serving on the RA or Resident Advisory Board;



- l. Care for the children of other residents so they may volunteer.
2. Political activity is excluded.
3. Work activity must not take the place of work performed by paid employees.
4. Self Sufficiency Activities - include, but are not limited to:
 - a. Job readiness programs;
 - b. Job training programs;
 - c. Skills training programs;
 - d. Higher education (Junior college or college);
 - e. Vocational education;
 - f. GED classes;
 - g. Verifiable job search activities;
 - h. Apprenticeships;
 - i. Substance abuse or mental health counseling;
 - j. English proficiency or literacy (reading) classes;
 - k. Parenting classes;
 - l. Budgeting and credit counseling;
 - m. Any kind of class that helps a person toward economic independence;
 - n. Carrying out any activity required by the Department of Public Assistance as part of welfare reform.
5. Exempt Adult - an adult member of the family who
 - a. Is 62 years of age or older
 - b. Has a disability that can be verified to prevent him/her from being gainfully employed
 - c. Is verified to be the fulltime caretaker of a disabled person
 - d. Is working at least 30 hours per week
 - e. Qualifies as a full-time student at a secondary school or an institution of higher learning

C. Requirements of the Program

1. Each non-exempt adult in a family paying at least the minimum rent must contribute and document some combination of 8 hours per month of Community service or self sufficiency activity.
2. The 8 hours per month may be either volunteer work or self-sufficiency program activity or a combination of the two.



3. At least 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. HACB will make the determination of whether to allow or disallow a deviation from the schedule.
4. Activities must be performed within the neighborhood and not outside the jurisdictional area of the HACB. The exception to this rule would be adults who are enrolled in full-time higher education or vocational training. Their hours of education would count toward the requirement.
5. Family obligations
 - a. At lease execution or re-examination after the effective date of this policy, all adult members (18 or older) of a public housing resident family must
 - 1) provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and
 - 2) 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 termination of their lease.
 - b. Once each month non-exempt family members must present a completed documentation form (provided HACB) of activities performed over the previous month to the Manager.
 - c. At each annual re-examination, non-exempt family members must present a completed documentation form (provided by HACB) of activities performed over the previous twelve months. Both forms will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed each month by month.
6. Change in exempt status:
 - a. If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to HACB and provide documentation of such.
 - b. If, during the twelve (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to HACB and the property manager.
 - c. The Manager will provide the person with the Recording/Certification documentation form and a list of agencies in the neighborhood that provide volunteer and/or training opportunities.

D. HACB obligations

1. To the greatest extent possible and practicable, HACB and its property managers will
 - a. provide names and contacts at agencies that can provide opportunities for residents, including those with disabilities, to fulfill their Community Service/Self Sufficiency obligations;
 - b. include a disabled person who is otherwise able to be gainfully employed, since such an individual is not exempt from the Community Service requirement; and
 - c. provide referrals for volunteer work or self-sufficiency programs.



2. The property manager will provide the family with exemption verification forms and Recording/Certification documentation forms and a copy of this policy at initial application and at lease execution.
3. HACB will make the final determination as to whether or not a family member is exempt from the Community Service/Self Sufficiency requirement. Residents may use HACB's Grievance Procedure if they disagree with HACB's determination.
4. Noncompliance of a non-exempt family member
 - a. If a non-exempt adult fails to report to the Manager or fails to complete the required eight hours of neighborhood service or self sufficiency activity, the Manager shall, at the end of the month, report to the district manager.
 - b. When a property manager receives a report of a non-exempt adult's failure to either report or complete the required activity, the property manager shall send a Notice of Lease Violation to the head of household.
 - c. The non-exempt adult will be granted one month to make up any lost hours, properly reported to the Manager.
 - d. If the lost hours are not made up in the subsequent month and verified to the Manager, the Manager shall, at the end of the month, report to the district manager.
 - e. When the district manager receives the report from the Manager of the non-exempt adult's failure to cure, the district manager shall send a Notice of Lease Termination to the head of household;
 - f. If the non-exempt adult who fails to make up the required hours is someone other than the head of household, the remaining family members may retain their tenancy if the noncompliant adult leaves the household;
 - g. The family may use HACB's Grievance Procedure to contest the lease termination.