

North East Texas Housing Partners

Admissions and Continued Occupancy Policy Low Income Public Housing Program

Latest Revision
November, 2024

TABLE OF CONTENTS

I.	Nondiscrimination and Reasonable Accommodation	1
A.	Complying with Civil Rights Laws.....	1
B.	Reasonable Accommodations.....	2
C.	Providing Information in Languages other than English	6
II.	Eligibility and Intake	7
A.	Applications.....	7
B.	Closing and Re-opening the Waiting List	9
C.	Affirmative Fair Housing Marketing and Outreach Procedures.....	10
D.	Income Targeting Requirements	10
E.	Qualifying for Admission.....	11
F.	Occupancy by a Police Officer	13
G.	Applicant Selection Criteria	13
H.	Determination of Eligibility and Notification of Applicants	16
I.	Preferences.....	17
J.	Other Factors that Affect Selection of Applicants	18
K.	Records Management.....	19
L.	Occupancy Guidelines	19
III.	Tenant Selection and Assignment	20
A.	Applicant Waiting List	20
B.	Making Unit Offers to Transferees and Applicants	20
C.	Accessible Units.....	23
D.	Administering the Applicant and Transfer Waiting Lists	24
E.	Transfers.....	24
F.	Monitoring Tenant Selection and Assignments	24
G.	Fair Housing Complaints.....	25
IV.	Income Determination.....	25
A.	Annual Income	26
B.	Excluded Income.....	27
C.	Net Family Assets	35
D.	Figuring Total Family Annual Income	38
V.	Deductions and Adjusted Income	42
A.	Mandatory Deductions	42
B.	How Deductions are Calculated	43
C.	Hardship Deductions (Phase-Ins)	49

D.	Optional Deductions/Exemptions	51
VI.	Verifications	51
A.	Using Means-Tested Forms of Public Assistance	51
B.	General Policies	52
C.	Social Security Numbers	56
D.	Citizenship Verification	56
VII.	Rent Determination	59
A.	Income-Based Rent	59
B.	Flat Rent	61
C.	Choice of Rent	62
D.	Errors in Income Calculation	62
VIII.	Utilities	62
A.	Tenant-Paid Utilities	63
B.	Utility Reimbursements	64
C.	Excess Utility Charges	64
D.	Reasonable Accommodation	64
IX.	Leasing	64
A.	General Leasing Policy	65
B.	Showing Units Prior to Leasing	66
C.	Additions to and Deletions from the Tenant Family and Household .	67
D.	Pet Ownership.....	67
E.	Visitors	67
X.	Re-examinations of Income and Family Circumstances.....	67
A.	Eligibility for Continued Occupancy.....	67
B.	Remaining Family Members and Prior Debt.....	69
C.	Reexaminations	69
D.	Over-Income Tenants	71
XI.	Interim Rent Adjustments	72
A.	Adjusting Rent Between Regular Reexaminations	72
B.	Interim Changes in Family Composition	75
C.	Effective Date of Rent Adjustments.....	75
D.	Earned Income Disallowance.....	76
XII.	Transfers.....	76

A.	General Transfer Policy	76
B.	Types of Transfers	77
C.	Priorities for Admissions and Transfers	78
D.	Tenants in Good Standing	79
E.	Cost of Transfers.....	80
XIII.	Community Service/Self-sufficiency Requirement (CSSR).....	80
A.	Background	80
B.	Definitions	81
C.	Requirements of the Program	82
D.	PHA Obligations.....	83
E.	Noncompliance of a Non-Exempt Family Member	83
XIV.	Lease Termination	86
A.	General Policy.....	86
B.	Tenant-Initiated Lease Terminations.....	86
C.	PHA-Initiated Lease Terminations.....	86
D.	Notification Requirements	87
E.	Eviction Actions.....	88
F.	Recordkeeping Requirements.....	88
XV.	Definitions	89

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

The U.S. Department of Housing and Urban Development (HUD) has established certain regulatory requirements applicable to Low Income Public Housing that are generally set forth in Title 24 of the Code of Federal Regulations (24 CFR), Parts 1, 5, 8, 100, 902, 903, 960, 964, 965 and 966. This policy is in compliance with the applicable regulations. If there is any conflict between HUD's regulations and this policy, the HUD regulations will govern. When federal guidance is inconsistent, statute shall take highest priority, regulations second priority, handbooks third priority and other HUD guidance last priority.

This policy references certain procedures (*shown in italics*), that describe in detail how the policy is to be carried out by staff. The referenced procedures are extensions of this policy. All procedures are public documents and are available for review upon request.

I. NONDISCRIMINATION AND REASONABLE ACCOMMODATION

A. Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and tenants to equal treatment by the Public Housing Authority/Agency (PHA) in operating its programs. It is the policy of this PHA 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
 - 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 spells out forms of prohibited discrimination
 - c. Executive Order 11063
 - d. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities
 - e. Age Discrimination Act of 1975, which establishes certain rights of the elderly
 - f. Title II of the Americans with Disabilities Act (ADA), otherwise Section 504 and the Fair Housing Amendments govern (Title II

deals with common areas and public space, not living units, which are covered by Section 504)

- g. Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (2/2012)
 - h. Executive Order 13988
 - i. any applicable State laws or local ordinances.
2. PHA will not discriminate because of race, color, national origin, sex, religion, familial status, disability, sexual orientation or gender identity in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land, that is part of a development under the PHA's jurisdiction covered by a Public Housing Annual Contributions Contract with HUD.
 3. PHA will not discriminate against individuals entitled to protections under the Violence Against Women Act, nor will PHA take any retaliatory actions against individuals who report crimes including domestic violence or other actions covered by the Violence Against Women Act.
 4. PHA will 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). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her history and behavior.
 5. PHA will work continuously to affirmatively further fair housing and to remove impediments to housing choice by members of protected classes.
 6. PHA will offer units only in the order prescribed by this policy, since any other method violates the rights of applicants.

B. Reasonable Accommodations

1. PHA, as a public agency that provides affordable housing to eligible families, has a legal obligation to provide "unit modifications" and "reasonable accommodations" to applicants and tenants if they or any family members have a disability.
2. A unit modification is some adaptation or change PHA can make to its apartments, buildings, or sites. A reasonable accommodation is a modification PHA can make to its methods and procedures (but not federal law, regulations or PHA policies). Both unit modifications and

reasonable accommodations are carried out to enable an otherwise eligible applicant or tenant with a disability to take full advantage of and use PHA's programs, including those that are operated by other agencies in PHA-owned public space.

A modification or accommodation is not reasonable if it

- a. causes an undue financial and administrative burden or
 - b. represents a fundamental alteration in the nature of PHA's program.
3. Subject to the undue burdens and fundamental alterations tests, PHA 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 PHA's housing program and non-housing programs, in accordance with Section 504 and the Fair Housing Amendments Act of 1988, PHA shall comply with all requirements and prohibitions in applicable law.
 4. Facilities and programs used by applicants and tenants shall be accessible to persons using wheelchairs, persons with sensory impairments and other persons with disabilities. All PHA Offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. will be usable by tenants with a full range of disabilities. If PHA has more than one of a type of facility, e.g. laundry room, not every facility need be accessible, so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities).
 5. Documents and procedures used by applicants and tenants 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.
 6. Examples of reasonable accommodations include, but are not limited to
 - a. making alterations to a PHA apartment to make it fully accessible so it could be used by a person in a wheelchair
 - b. transferring a tenant (at PHA's expense) who needs a fully accessible unit from an apartment that cannot be made accessible to an apartment that is accessible (this may require moving the tenant from one property to another)

- 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 smoke detectors and flashing light/doorbell 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) installing a magnifier over the thermostat
 - 5) switching the bathtub to a roll-in shower
 - 6) lowering the peephole on the door
- e. permitting a family to have a large dog to assist a family member with a disability in a PHA family development where the size of dogs is usually limited
- f. making sure that PHA processes are understandable to applicants and tenants with sensory or cognitive impairments, including but not limited to
 - 1) making large type documents, Braille documents, electronic format or a reader available to an applicant or tenant with a vision impairment during interviews or meetings with PHA staff
 - 2) using personal visits, interviews or telephone calls to convey information to an applicant or tenant who cannot see or read
 - 3) making a sign language interpreter available to an applicant with a hearing impairment during interviews or meetings with PHA staff
 - 4) permitting an applicant or tenant to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with PHA if the individual desires such representation

- 5) permitting an outside agency or individual to assist an applicant with a disability to meet the PHA's applicant screening criteria
7. To meet the standard of HUD's definition of "Qualified Individual with a Disability" a family head or other member with a disability must still be able to meet essential obligations of tenancy. They must be able
 - 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; to use facilities and equipment in a reasonable way;
 - c. to create no health, or safety hazards, and to report maintenance needs;
 - d. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
 - e. not to smoke in a PHA unit, common areas or anywhere on PHA property except designated smoking areas;
 - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants 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 PHA.
8. There is no requirement that they be able to do these things without assistance.
 - a. If an applicant or tenant family member needs assistance with one of the essential obligations of tenancy, PHA will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance.
 - b. If an applicant or tenant receives a referral to an agency or individual who can assist the applicant or tenant with complying with the essential obligations of tenancy, the applicant or tenant is not obligated to accept the service, but if refusing service results in a lease violation, PHA may terminate the lease.

- c. An applicant or tenant family with a member who has a disability and needs or wants a reasonable accommodation may request it at any time.
- d. If an applicant or tenant would prefer not to discuss his/her disability with the PHA, that is his/her right.
- e. Any request that requires a certified verification must be submitted directly to PHA by the qualified person making the certification

C. Providing Information in Languages Other Than English for Persons With Limited English Proficiency

- 1. For persons with Limited English Proficiency (LEP), language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination based on national origin.
- 2. PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).
- 3. The specific methods PHA will use to accomplish this policy
 - a. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants, applicants and tenants shall be available in any language spoken by the lower of 1000 eligible families or five (5%) percent of the eligible population of the PHA's jurisdiction. This includes documents related to intake, marketing, outreach, certification, re-examination and inspections.
 - b. Applicants and tenants with low English comprehension may furnish an interpreter to assist in communication with PHA. When an applicant or tenant needs interpretation services and a staff member of PHA speaks the language needed, the staff member will provide translation services.
 - c. In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, PHA will generally offer, or ensure that the family is offered through other sources, competent translation services free of charge to the LEP person.

- d. PHA will provide written translations of other vital documents for each eligible LEP language group that constitutes five (5%) percent or 1,000 persons, whichever is less, of the population of persons eligible to be served. Translation of other documents, if needed, can be provided orally.

II. ELIGIBILITY AND INTAKE

A. Applications

1. PHA will accept and process applications (including transfer applications) in accordance with applicable HUD Regulations. Except for qualification for preferences, PHA will make its initial determination of eligibility assuming 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. Newly developed properties owned by PHA or a PHA entity, that contain a mix of units, some subsidized by project-based vouchers and others subsidized by Public Housing operating funds, shall maintain one waiting list. Applicants shall be assigned to units suitable for their family sizes and disability needs without regard to subsidy type.
3. Every application file for admission to Low Rent Public Housing shall include the date and time of application (or application number if applicable); applicant's race and ethnicity; eligibility determination; when eligible; the apartment size(s) for which eligible; qualification for preference, if any; and the date, location, identification, and circumstances of each vacancy offered and accepted or refused. (*Best practice: get email, cell phone number and alternate contact*)
4. PHA may update and purge all Waiting Lists every 12 to 18 months, in accordance with the *Waiting List Policy*. (*This is a best practice*). Applicants are responsible for providing updated information on changes to their contact information, income, family composition and preferences between Waiting List updates.
 - a. This may be provided in writing, via mail or email, or in person.
 - b. When PHA is unable to contact an applicant at the most recent address or phone number in their file, their application will be withdrawn.

- c. Applicants should contact PHA every six months, in accordance with the *Waiting List Policy*, to indicate changes and continued interest in remaining on the Waiting List(s).
5. The following information will be verified according to HUD's regulatory requirements and PHA's *Verification Procedures*, to determine qualification for admission to PHA's housing
 - a. family composition, demographics and type (Elderly/Disabled/Non-elderly)
 - b. annual income
 - c. net family assets and asset income
 - d. deductions from Income
 - e. admissions preferences
 - f. Social Security Numbers of all family members
 - g. applicant screening Information (including rental and criminal history)
 - h. citizenship or immigration status of all members
6. When the system is available, Enterprise Income Verification (EIV) (using Federal databases) or third party written information that is mailed, faxed or transmitted electronically between PHA and the verification source are the required form of documentation after an applicant becomes a Public Housing tenant.
7. While an applicant is being processed for admission, third party verification is used.
8. Individuals applying for admission must submit an application or pre-application in the manner stipulated in the announcement of the opening of the Waiting List.
9. If an applicant needs assistance in completing any aspect of the application process because of a disability, PHA will assist the applicant as needed to ensure equal access to PHA's programs.

10. Applicants providing false information regarding family Income, composition, preferences or other circumstances affecting their eligibility or rent level will be rejected. If the applicant has been assigned a unit, the lease will be terminated and PHA will pursue all lawful civil claims and criminal actions, including the recoupment of back rent.
11. If an applicant's preference status changes while on the Waiting List, the applicant's position on the list will be adjusted to reflect their current status, although they will retain their date and time or application number, whichever is applicable.
12. If the head of an applicant household dies while the family is on the Waiting List, and the family includes another adult, PHA will change the application to make the other adult the new applicant so long as the family reports the death within 30 days and requests that another adult family member be named the head.
13. Applicants whose family size or composition changes while on the waiting list will be able to change their applications in accordance with the following policy.
 - a. Children who have been added to the family through birth adoption or court awarded custody to people already listed on the application will be added.
 - b. Individuals who can document that they need a Live-in Aide (even though not included on the original application) will be permitted to add the Live-in Aide.
 - c. Other adults will be added to an application regardless of if their addition would change the unit size for which the family qualifies.

B. Closing and Re-opening the Waiting List

1. Waiting List will be opened and closed in accordance with proper public notice. Applicant names will be removed from the Waiting List only if they
 - a. request to be removed from the Waiting List;
 - b. are housed;
 - c. refuse a unit offer;

- d. fail to respond to a unit offer;
- e. are determined to be ineligible for admission;
- f. fail to meet applicant screening standards; or
- g. are not able to be contacted by PHA at the address or phone number they provided.

C. Affirmative Fair Housing Marketing and Outreach Procedures

1. When the Waiting List is open, PHA will conduct affirmative marketing as needed to ensure that 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 its area of operation. PHA will review the factors regularly to determine the need for and scope of marketing efforts.
2. All marketing efforts will include outreach to demographic groups least likely to apply as demonstrated by their proportion of applications on the Waiting List.
 - a. PHA may designate sites for accepting applications.
 - b. PHA staff will be available at these sites to assist applicants in completing the housing application documents.
 - c. If additional applications are required to attain any of the objectives established in this Policy, PHA will engage in outreach efforts directed toward potential applicants who might fulfill the need.

D. Income Targeting Requirements

1. PHA will ensure that at least 40 (%) percent of families admitted to public housing in any year have incomes at or below the federal “extremely low income” limit.
2. HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families.

3. Except under limited circumstances, the applicant family's annual income must not exceed the applicable income limit that HUD establishes and publishes for each county or Metropolitan Statistical Area (MSA) in the country.
4. The income limits are based on percentages of the median income of the geographic area for which the limit is established and are adjusted for family size.

E. Qualifying for Admission

1. It is PHA's policy to admit only applicants who can be verified to be qualified according to all the following criteria
 - a. are a family as defined in Section XV of this policy
 - b. have at least one family member who meets HUD requirements on citizenship or immigration status
 - c. have an annual income (as defined in Section IV of this policy) at the time of admission that does not exceed the income limits (maximum incomes by family size and housing type established by HUD) posted in PHA Offices
 - d. do not own net family assets worth more than \$100,000
 - e. do not own a house that they could live in
 - f. provide acceptable documentation of Social Security Numbers for all family members except those who do not have Social Security Numbers or who do not contest their immigration status
 - g. meet the Applicant Selection Criteria in this policies, including completing a PHA-approved pre-occupancy orientation session if required
 - h. owe no money to PHA or any other housing authority in connection with any Federal housing program
 - i. do not have a history of misusing or abusing alcohol in any way that interferes with the health, safety, or rights of others, or

- 1) demonstrate to PHA's satisfaction that the family member who formerly abused alcohol no longer abuses or misuses alcohol and
 - 2) has successfully completed a supervised alcohol rehabilitation program licensed and approved by Texas Dept. of Health and Human Services (if from another state, the applicable agency) or
 - 3) is participating in a supervised alcohol rehabilitation program.
 - j. agree not to smoke or to permit family and household members, guests and other persons under tenant's control to smoke anywhere on PHA property except for designated outdoor smoking areas that are at least 25 feet from PHA buildings
2. When applicants are fully certified and about to receive unit offers or when current tenants are recertified, every adult family member is required to sign a consent form (HUD 9886-A) granting PHA access to federal databases to check their income history.
- a. This form needs to be signed only once for each adult family member.
 - b. When family members who are minors turn 18, they must sign the consent form.
 - c. When new adult members join the family, they must sign the consent form.
 - d. If any adult family member refuses to sign the consent form as described herein, an applicant family will be denied assistance and a tenant family will have their lease terminated.
3. Screening applicants who claim mitigating circumstances
- a. If negative information is received about an applicant, PHA shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.
 - b. PHA will consider whether individuals with negative behavior in their recent past can document that they have been rehabilitated.

F. Occupancy by a Police Officer

1. To increase security at the site, a unit may be made available for occupancy by a police officer (size determined by his/her family size).
2. The officer must be employed on a full-time basis as a duly licensed professional law enforcement officer by a federal, state or local government or by any agency of these governments.
3. Rent will be negotiated for the unit; however, the officer will be responsible for paying all utilities and compliance with the lease which will include the employment requirements listed above.

G. Applicant Selection Criteria

1. The following list of criteria will be reviewed to determine whether applicant families qualify for admission. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, PHA requires applicants to demonstrate ability to comply with the essential provisions of the lease, which are
 - 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 smoke anywhere on PHA property other than designated outdoor smoking areas that will be at least 25 feet from any PHA building (In accordance with PHA's *Smoke Free Public Housing Policy*)
 - g. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or staff
 - h. not to engage in drug-related criminal activity

- i. to comply with necessary and reasonable rules and program requirements of HUD and PHA.
2. PHA will determine each applicant family's ability to comply with the essential lease requirements in accordance with PHA's *Procedure on Applicant Screening*.
 - a. Any costs incurred to complete the application process and screening will be paid by PHA. Application fees will not be charged by PHA.
 - b. Applicants who owe money to PHA or any other housing authority may apply but they will not be admitted to the program until their debt is paid in full. (*Area of PHA discretion*)
3. PHA's screening process will review the following information for each applicant family (including certain data specific to every adult family member). No family with a history of criminal activity will be eligible for three (3) years following the last date of arrest, conviction, incarceration, parole, or deferred adjudication.
 - a. Applicant's prior rental history (or other history if there is no rental history) must demonstrate the applicant family's ability and willingness to comply with necessary and reasonable standards of behavior and the PHA's lease.
 - b. Applicants must satisfy in full any overdue accounts or debts owed to PHA or any other housing authority by any adult family member.
 - c. Applicant's lease must not have been terminated for cause by PHA and, if a Section 8 program participant, the applicant's voucher must not have been terminated within the previous six (6) years, including a drug related eviction or termination. (*PHA Discretion*)
 - d. Applicant must have a history of reasonably good performance in meeting rent and utility payment obligations, and no record of eviction from housing or termination from residential programs in the past six (6) years for failure to meet financial obligations. Former tenants will not have their application rejected if the debt owed to PHA was discharged by a bankruptcy court.
 - e. Applicant or any adult family member must not have been convicted of manufacturing or producing methamphetamine on the premises of any HUD-assisted housing. HUD regulations

require that PHA permanently bar any individual with such a conviction.

- f. Applicant or any adult family member must not be subject to a lifetime registration requirement under any state sex offender registration program. HUD regulations require that PHA permanently bar any individual subject to such lifetime registration requirements.
- g. Applicant or any adult family member must not have been evicted because of drug-related criminal activity from housing assisted under the U.S. Housing Act of 1937 or convicted of drug-related criminal activity for a minimum of 3 years beginning on the date of such eviction or conviction. This requirement may be waived if
 - 1) the eviction/conviction was for drug use or possession and, since the eviction/conviction, the relevant member of the applicant family has successfully completed a supervised drug rehabilitation program licensed and approved by the relevant state agency.
 - To demonstrate completion, the Applicant must provide a certificate of completion issued by the state agency responsible for treatment.
 - If the Applicant entering PHA's program is from another state, PHA will verify the Applicant has successfully completed a state approved supervised program from the Applicant's state of origin; or
 - 2) the circumstances leading to the eviction no longer exist (for example, the individual involved in drugs is no longer a member of the family).
 - 3) This waiver is not available to a person who was evicted or convicted for selling, trafficking, producing or manufacturing illegal substances.
- h. Applicant or any adult family member must not have been engaged in the illegal use of controlled substances or conduct that presents a pattern of illegal use of controlled substances. This requirement may be waived if the applicant demonstrates to PHA's satisfaction that the relevant family member no longer engages in the illegal use of the controlled substance(s).

- i. Applicant or any adult family member must not have a history of engaging in violent crimes to persons or property and/or other criminal acts that would adversely affect the health, safety or welfare of other tenants or PHA personnel.
- j. Applicant or any adult family member must not have been convicted of arson or any crime of violence against a child.
- k. Applicant or any adult family member must not be on parole or probation for criminal activity, drug-related crimes, violent crimes or crimes that threaten the health, safety, and/or general wellbeing of the community.
- l. Applicant or any adult family member must not have ever been convicted of conspiracy to commit any crimes of violence or drug-related criminal activity.
- m. Applicant or any adult family member must have no history in the past three (3) years of disturbing neighbors, destroying property, or negative living and housekeeping habits at prior and/or current residences.
- n. Applicant must have no history of misrepresenting information relative to eligibility, income, allowances, family composition or rent.

H. Determination of Eligibility and Notification of Applicants

1. Once PHA receives a completed application, the unverified income eligibility of the applicant will be determined by PHA.
2. PHA will verify all information related to eligibility for admission, receipt of subsidy and rent. Verifications used for admission must not be older than 90 days from the date of admission.
3. Each eligible applicant will receive written notification of his/ her eligibility and of the approximate date he/she will be offered housing. A copy of this notification will be retained in the applicant's file.
4. Each applicant determined to be ineligible or unqualified for admission will be notified in writing of the reason(s) for the determination and the applicant's right to submit a written request for an informal hearing within fourteen (10) calendar days of the date the notice is postmarked or Certified Return Receipt is dated.
5. PHA will provide the applicant with a copy of any information (including criminal history) PHA used to determine the applicant ineligible or unqualified for admission upon written request.

6. Applications withdrawn by the applicant or PHA, applications submitted by ineligible or unqualified applicants, and the notice of ineligibility will be retained in PHA files for three (3) years following the date of the withdrawal or rejection of the application.
7. Applications will be withdrawn by PHA when an application is incomplete, applicant fails to respond to a request for information, or to attend a meeting, briefing or appointment or when letters or notices sent to the applicant are returned because the applicant is no longer at the address of record. So long as the communications sent by PHA used first class mail or other method requested by applicants with disabilities, applicants shall not be entitled to informal hearings for withdrawn applications.

I. Preferences (*insert your preferences, if any*)

NETHP DOES NOT HAVE ANY PREFERENCES.

Establishment of PHA local preferences. 24 CFR § 960.206

The PHA may adopt a system of local preferences based on local housing needs and priorities as determined by the PHA and may limit the number of applicants that qualify for any local preference

Examples:

1. *Residency requirements - Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at 24 CFR § 5.105(a)*
2. *Preference for working families. The PHA may adopt a preference for admission of working families (families where the head, spouse, or sole member, is employed). However, an applicant must be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.*
3. *Preference for person with disabilities. The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for persons with a specific disability.*
4. *Preference for victims of domestic violence, dating violence, sexual assault, or stalking. The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence, dating violence, sexual assault, or stalking.*

5. *Preference for single persons who are elderly, displaced, homeless or a person with disabilities. The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.*
6. *Preference for non-Public Housing over-income families. The PHA may adopt a preference for admission of non-Public Housing over-income families paying the alternative non-Public Housing rent and are on a NPHOI lease who become an income-eligible low-income family as defined in 24 CFR § 5.603(b) and are eligible for admission to the public housing program.*
7. *Preference for applicants displaced by a federally declared disaster or a disaster of a PHA-assisted unit*

J. Other Factors that Affect Selection of Applicants

1. Accessible units
 - a. For UFAS (Uniform Federal Accessibility Standards) accessible units, tenant and applicant families that include a member with a disability who is verified to need the features of such units shall be given preference for admission over a family that does not include a member with such a disability.
 - b. Persons needing more features of a specific unit will be given preference over persons needing fewer features of the units available.
 - c. When a UFAS accessible unit becomes available, it shall be offered first to a current tenant who needs the features of the unit and second (only if there are no tenants who need the features and will accept a transfer) to an applicant family with a member who needs the accessibility features.
2. Income targeting: At least 40 percent of Public Housing admissions in every year shall be families of Extremely Low Income (as defined in Section XV)
3. Deconcentration
 - a. If at any time, one of PHA's family (general occupancy) public housing properties has an average tenant income greater than 15 percent higher than the PHA-wide average income, extremely low and very low income applicants will be targeted for admission until it is within 15 percent of PHA-wide average income.

- b. In addition, PHA will offer voluntary transfers from higher income properties to lower income properties to help achieve deconcentration goals.

K. Records Management

- 1. Information received by PHA from any agency regarding drug treatment and criminal background shall be handled as required by HUD regulations.
- 2. All criminal records are maintained in a secured environment. Once the purpose for which the records were obtained is completed, the records are permanently destroyed by shredding.

L. Occupancy Standards (HUD Notice 12/18/98 FR)

- 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 under-utilization.

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

Number of Bedrooms	Min Persons/Unit (Largest Unit Size)	Max Persons/Unit (Smallest Unit Size)
0BR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	5	8
5BR	7	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. The guidance below explains how PHA determines unit sizes to be assigned, but each family, not PHA, decides exactly who shares a bedroom. Units will be so assigned that
 - a. Children aged two and under will be assigned a bedroom with any other child or a parent, regardless of age or sex.
 - b. Children between the ages of three and seventeen and adults will be assigned separate bedrooms, although the actual use of bedrooms is determined by the family.
 - c. Two children between the ages of three and seventeen of the same sex will be assigned one bedroom.

- d. Two children between the ages of three and seventeen of the opposite sex will be assigned separate bedrooms, although the actual use of bedrooms is determined by the family.
- e. Two adults (eighteen and older) of opposite sex who are spouses or co-heads are assigned one bedroom.
- f. Adults (eighteen and older) of opposite sex or same sex who are not spouses or co-heads of household are assigned separate bedrooms although the actual use of bedrooms is determined by the family.
- g. A single head of household parent will be assigned a separate bedroom from his/her child over age three, although the actual use of bedrooms is determined by the family.
- h. Exceptions to the largest permissible apartment size may be made when verified to be needed as a reasonable accommodation for a person with disabilities.
- i. An unborn child will not be counted as a person in determining apartment size assigned.
- j. PHA 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 it can be verified that the child will be living with the family if they are admitted.
- k. A live-in aide may be assigned a bedroom if a unit of the right size is available. Single elderly or disabled tenants with live-in aides will be assigned one or two bedroom units (not efficiency units).
- l. PHA reserves the right to relax these Occupancy Standards at hard-to-lease properties.
- m. 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.

III. TENANT SELECTION AND ASSIGNMENT

A. Applicant Waiting List

PHA has established a community-wide Waiting List for Public Housing.

B. Making Unit Offers to Transferees and Applicants

1. In all offers PHA shall not discriminate on grounds of race, color, sex, religion, national origin, disability, sexual preference, gender identity or familial status.
2. Specifically, the following order of offers applies
 - a. Emergency transfers
 - b. Administrative transfers in the following category order
 - 1) Priority 1: Reasonable accommodations for tenants with disabilities
 - 2) Priority 2: PHA actions that require a unit to be vacated. Such actions could include renovation, revitalization, demolition or disposition of the building or complex.
 - 3) Priority 3: Deconcentration Transfers
 - 4) Priority 4: New Admissions from the Waiting List.
 - 5) Priority 5: Unit too large or too small for tenant family
3. Tenant-requested transfers *(To reduce vacancy numbers, the PHA has the discretion to offer tenant-requested transfers as a lease compliance incentive. If offered, it would be the lowest priority transfer. PHA is not required to offer tenant-requested transfers.)*
4. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, sexual preference, gender identity, national origin, disability or familial status, the one-offer plan will be used to make apartment offers to applicants or transferees from the Waiting List.
5. The first qualified applicant or transferee in sequence on the Waiting List is made one offer of an apartment of appropriate size and type.
6. An applicant/transferee must accept the vacancy offered or be removed from the Waiting List unless the applicant refuses the offer with one of the "good cause" reasons as defined below.
 - a. The unit offered is not ready for move-in at the time of the housing offer. "Ready for move-in" means the apartment has no inspection deficiencies and is broom clean.

- b. The unit offered is too far from the applicant's job location or the location of a school for disabled children when the applicant's family includes such a child.
 - c. The unit has lead-based paint and the family has children under age 7.
 - d. The family demonstrates that accepting the offer will place a family member's life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency.
 - e. The offer is made to achieve deconcentration of poverty and the family does not want to accept the deconcentration offer.
 - f. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member.
 - g. The applicant family has a member with disabilities and the unit is not suitable for the member's disabilities.
 - h. The apartment has accessible features the family does not need, and the family does not want to be subject to a 30-day notice to move.
 - i. An elderly or near-elderly family makes the decision not to occupy or accept occupancy in designated housing.
 - j. The applicant is serving on a sequestered jury and cannot move at the present time.
7. PHA will first match the apartment available to the highest ranking applicant for an apartment of that size, type and special features (if any). Preferences (if any) 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 local and ranking preference status, the applicant with the earliest date and time of application/lowest application number will receive the earlier offer.

8. If an applicant family's size changes while on the Waiting List, the family is required to contact PHA so they can be placed on the correct sub-list by unit size. If PHA discovers that a change in family size means that a family cannot be processed for a certain vacant unit, the family will be transferred to a list for the correct size of unit. Some sites may not have units of the size needed by the family and the family will be permitted to select a different site or up to 3 sites.
9. When application processing is delayed because of missing verifications or inconclusive screening information, a family's application will be suspended until the necessary verifications are received. This means that a person who is lower on the Waiting List may receive a unit offer before a person who is higher on the Waiting List. As soon as the necessary verification(s) are received, the suspended application will be placed back on the Waiting List in its former position
10. The applicant must accept any apartment offered within five (5) working days of the later of the date the offer is communicated (by phone, mail, or the method of communication designated by an applicant with disabilities) or the date they are shown the apartment or an equivalent apartment.
11. If the applicant does not accept the unit offer within five (5) working days, he/she will be withdrawn from the Waiting List unless the applicant has refused the offer for verified "good cause". Applicants may not receive an offer for Public Housing for 12 months from the date when they either refused a unit offer or failed to respond to a unit offer.
12. All offers made over the phone will be confirmed by first class letter or email.
 - a. 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.
 - b. 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.

C. Accessible Units

1. Before offering an accessible apartment to a non-disabled applicant, PHA will offer such units
 - a. first, to a current Public Housing tenant with a disability that requires the greatest numbers of the special features of the vacant apartment.

- b. second, to an eligible qualified applicant on the Waiting List having a disability that requires the greatest number of special features of the vacant apartment.
2. When offering an accessible/adaptable apartment to a non-disabled applicant, PHA will require the applicant to agree to move to an available non-accessible apartment within 30 days when a current tenant or an applicant with a disability needs the apartment. This requirement is also reflected in the lease.
3. If an applicant family includes a member with a visual or hearing impairment, PHA will quickly retrofit the unit (at PHA's cost) to be offered to the family to make it fully accessible for the family member's disability whether or not two percent of the property's units are already accessible for persons with hearing or vision impairments.

D. Administering the Applicant and Transfer Waiting Lists

Applications for admission and transfer to and within Public Housing properties will be processed centrally by the PHA Office. Offers may be made in person, in writing, by mail or email or by phone from the central office.

E. Transfers (see Section XII)

1. Certain transfers take precedence over new admissions.
2. Tenants on the transfer list may refuse transfer offers for the "good cause" reasons without losing their position on the transfer list.
3. Tenants who refuse a transfer offer without good cause will be removed from the transfer list and tenants whose transfers are mandatory are subject to lease termination if they refuse a mandatory transfer.
4. Tenants may use the PHA *Grievance Procedure* if PHA is requiring them to transfer and they do not want to do so.

F. Monitoring Tenant Selection and Assignments

Detailed records of units offered, including the location, date, and circumstances for each acceptance or refusal of an offer will be maintained and monitored.

G. Fair Housing Complaints

1. Complaints
 - a. PHA will respond to all complaints received from applicants and tenants who believe that their rights under the Fair Housing Act have been violated.
 - b. A written record of each complaint including the date, name of the person making the complaint, names of all people(s) involved, investigation of the facts, record of the hearing, and the final decision regarding the complaint will be maintained by PHA.
 - c. Each complainant will be furnished a written notice of the decision or action taken.
2. Applicants will be advised of their right to file a complaint with the HUD Fair Housing and Equal Opportunity Office. Information outlining how to file complaints with HUD is posted in the PHA Office and at all PHA housing developments.

IV. INCOME DETERMINATION

A. Annual Income

Annual income includes all amounts not specifically excluded in the list of excluded income below, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and

1. the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
2. the net income from the operation of a business or profession
3. net income from capital assets defined as significant pieces of property such as homes, cars, investment properties, stocks, bonds
4. interest, dividends, and other net income of any kind from real or personal property (assets). Actual and determinable income from all assets is included in total income.

Figuring asset income, pursuant to HOTMA:

Net Family Assets Scenario	Actual Income	Imputed Returns	Amount Included in Income
Assets of \$50,000 or less	Included	Not calculated	Actual income only
Exceeds \$50,000 and actual income can be computed for ALL assets	Included	Not calculated	Actual income only
Exceeds \$50,000 and NO actual income can be computed	N/A	Calculated using HUD passbook rate for all assets	Imputed returns for all assets
Exceeds \$50,000, but actual income can only be computed for some assets	Included for assets that can be computed	Calculated for any remaining assets where actual income cannot be computed	Actual income that can be computed AND imputed returns for all remaining assets that cannot be computed

5. full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts
6. lump-sum amount or prospective monthly amounts for the delayed start of a pension or annuity
7. TANF (Temporary Assistance for Needy Families) - received by or on behalf of any family member (including sanctioned amounts)
8. payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (except as provided under income exclusions)
9. periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling
10. all regular pay, special pay, and allowances of a member of the Armed Forces (except for hostile fire pay, which is excluded below)
11. amounts of student scholarships and grants-in-aid for family members IN EXCESS of amounts received under the Higher Education Act of 1965, from private sources, or from an institution of higher learning for
 - a. tuition
 - b. required fees
 - c. books
 - d. necessary equipment
 - e. room and board for students attending an educational institution too far from home to commute

12. student financial assistance that is
 - a. provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship)
 - b. gifts from family and friends

B. Excluded Income (from 24 CFR § 5.609)

Annual income does not include the following

1. Any imputed return on an asset when net family assets total \$50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and no actual income from the net family assets can be determined
2. The following types of trust distributions:
 - a. For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets
 - 1) Distributions of the principal or corpus of the trust; and
 - 2) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.
 - b. For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.
3. Earned income of children under the 18 years of age
4. Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments
5. Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation

6. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member
7. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled
8. Income of a live-in aide, foster child, or foster adult
9. Student financial assistance
 - a. Any assistance that Section 479B of the Higher Education Act of 1965, as amended, requires be excluded from a family's income; and
 - b. Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit. (for additional details, see 24 CFR § 5.609 b. 9.)
10. Income and distributions from any Coverdell education savings account under Section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under Section 529 of such Code; and income earned by government contributions to, and distributions from, "baby bond" accounts created, authorized, or funded by Federal, State, or local government
11. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
12. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS)
13. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program

14. Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.
15. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff
16. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
17. Earned income of dependent full-time students in excess of the amount of the deduction for a dependent
18. Adoption assistance payments for a child in excess of the amount of the deduction for a dependent
19. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
20. Payments related to aid and attendance to veterans in need of regular aid and attendance
21. 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
22. Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit

23. Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).
24. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.
25. Replacement housing “gap” payments made that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.
26. Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:
 - a. Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.
 - b. Direct Federal or State payments intended for economic stimulus or recovery.
 - c. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.
 - d. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.
 - e. Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).
 - f. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.

- g. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.

- 27. Civil rights settlements or judgments, including settlements or judgments for back pay.

- 28. Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.

- 29. Income earned on amounts placed in a family's Family Self Sufficiency Account.

- 30. Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
 - a. Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and
 - b. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

- 31. Federally Mandated Income Exclusions (*updated periodically in Federal Register--latest, 2/5/24*)
 - a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977.

- b. Payments, including for supportive services and reimbursement of out-of-pocket expenses, for volunteers under the Domestic Volunteer Service Act of 1973, are excluded from income except that the exclusion shall not apply in the case of such payments when the Chief Executive Officer of the Corporation for National and Community Service appointed under 42 U.S.C. 12561c determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater.
- c. Certain payments received under the Alaska Native Claims Settlement
- d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program
- f. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians
- g. The first \$2000 of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission.
- h. Amounts of student financial assistance funded under title IV of the Higher Education Act of 1965 including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs. *For Section 8 programs only, any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965), shall not be considered income to that individual if the individual is over the age of 23 with dependent children.*
- i. Payments received from programs funded under Title V of the Older Americans Act of 1965

- j. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent Orange Product Liability Litigation, M.D.L. No. 381
- k. Payments received under the Maine Indian Claims Settlement Act of 1980
- l. The value of any childcare 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
- m. Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, Section 101 of the Housing and Urban Development Act of 1965, and Sections 221(d)(3), 235, and 236 of the National Housing
- n. The amount of any refund (or advance payment with respect to a refundable credit) issued under the Internal Revenue Code is excluded from income and assets for a period of 12 months from receipt
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation
- p. Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990
- q. Any allowance paid to children of Vietnam veterans born with spina bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean and Thailand service veterans born with spina bifida is excluded from income
- r. Any amount of crime victim compensation that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) under the Victims of Crime Act of 1984 received through a crime victim assistance program, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime
- s. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014

- t. Any amount received under the Richard B. Russell School Lunch Act and the Child Nutrition Act of 1966, including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC).
- u. Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990
- v. Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
- w. Any amounts (i) not actually received by the family, (ii) that would be eligible for exclusion under 42 U.S.C. 1382b(a)(7), and (iii) received for service-connected disability under 38 U.S.C. chapter 11 or dependency and indemnity compensation under 38 U.S.C. chapter 13 (25 U.S.C. 4103(9)(C)) as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269 Section 2) to the definition of income applicable to programs under the Native American Housing Assistance and Self-Determination Act (NAHASDA)
- x. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010
- y. Any amounts in an “individual development account” are excluded from assets and any assistance, benefit, or amounts earned by or provided to the individual development account are excluded from income, as provided by the Assets for Independence Act, as amended
- z. Per capita payments made from the proceeds of Indian Tribal Trust Settlements listed in IRS Notice 2013–1 and 2013–55 must be excluded from annual income unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds. Such amounts received in excess of the Tribal Trust Settlement are included in the gross income of the members of the Tribe receiving the per capita payments as described in IRS Notice 2013–1. The first \$2,000 of per capita payments are also excluded from assets unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds

- aa. Federal assistance for a major disaster or emergency received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by States, local governments, and disaster assistance organizations
- bb. Any amount in an Achieving Better Life Experience (ABLE) account, distributions from and certain contributions to an ABLE account established under the ABLE Act of 2014
- cc. Assistance received by a household under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 and the American Rescue Plan Act of 2021.

C. Net Family Assets

1. Valuing Assets

- a. Net Family Assets is defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds and other forms of capital investment.
- b. In determining net family assets the PHA must include the value of any business or family assets disposed of by an Applicant or tenant for less than fair market value (including a disposition in trust, but not in foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefor.
- c. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the Applicant or tenant receives consideration not measurable in dollar terms.
- d. Negative equity in real property or other investments does not prohibit an landlord from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.
- e. Excluded from the calculation of net family assets are
 - 1) The value of necessary items of personal property

- 2) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which will be adjusted by HUD in accordance with the Consumer Price Index)
- 3) The value any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements, employer retirement plans (pensions), and retirement plans for self-employed individuals.
- 4) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located.
- 5) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability.
- 6) The value of any Coverdell education savings account under Section 530 of the IRS code, the value of any qualified tuition program under Section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account under Section 629A of such Code, and the value of any "baby bond account created, authorized or funded by Federal, State or local government.
- 7) Interests in Indian trust land
- 8) Equity in a manufactured home where the family receives assistance under the Housing Choice Voucher program.
- 9) Family Self Sufficiency accounts.
- 10) Federal tax refunds or refundable tax credits for a period of 12 months after the receipt by the family (deducted from total value of assets).
- 11) An irrevocable trust.
- 12) Items listed in the Federally Mandated Income Exclusions

2. Restrictions on Assistance to Families Based on Assets

Assistance under the Public Housing Program may not be provided to any family if

- a. the family's net assets are greater than \$100,000 (this amount will be adjusted annually by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers); or

- b. the family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on State or local laws of the jurisdiction where the property is located, real property that is suitable for occupancy by the family as a residence, except this real property restriction does not apply to
- Any property for which the family is receiving assistance in a manufactured home or under the Section 8 Homeownership Option
 - Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property
 - Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking
 - Any family that is offering such property for sale
- c. A property will be considered “suitable for occupancy” unless the family demonstrates that it
- does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
 - is not sufficient for the size of the family;
 - is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the PHA;
 - is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied); or
 - is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

D. Figuring Total Family Annual Income

1. Annualizing Earned Income

- a. The method that the PHA uses to determine Annual Income depends on how the information is presented and verified. If the verification is for a period other than a full year, the PHA must convert the reported income to an annual figure. The PHA should use the following calculations
 - Multiply weekly amount by 52
 - Multiply bi-weekly amount by 26
 - Multiply bi-monthly amount by 24
 - Multiply monthly amount by 12
 - Multiply annual hours in a 40 hour work week by 2080
 - Multiply quarterly amounts by 4
- b. If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), the PHA may use the annualized income anticipated for a shorter period, subject to an Interim adjustment at the end of the shorter period. (This method would be used, for example for school bus drivers or teachers who are paid for only nine months or for tenants receiving unemployment compensation.)
- c. The PHA should never be arbitrary in adopting a method for calculating income or assume circumstances that do not exist.
- d. Projections of Annual Income will be based on the best available information, with due consideration to the past year's income, current income rate and effective date, and will include estimates for each income recipient in the family group.

- e. The income of irregular workers will be estimated on the basis of the best information available, with due consideration to earning ability and work history. Some PHAs have success in requiring the tenant to report actual income quarterly and adjusting the rent to reflect that actual (albeit one quarter behind).
- f. When the PHA cannot readily anticipate income based on current circumstances, the PHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results to establish annual income.
- g. Rationale for why current circumstances were not used will be documented in the family file.
- h. If the PHA has verified an upcoming increase or decrease in income, income will be figured by applying each income amount to the appropriate part of the 12-month period
- i. If the family presents information that demonstrates that implementing a change before the effective date would create a hardship for the family, the PHA will calculate income using current circumstances and then conduct an interim re-examination when the change actually occurs.

2. When an Applicant Reports Zero Income or Income Under \$6,000/Yr

- a. If the tenant has a car, a telephone, smokes, uses disposable diapers on a baby, or has other evidence of some form of income, the Applicant will be asked to explain the source of income supporting cash expenditures when zero income is present.
- b. Many Applicants and tenants may be unaware that regular contributions (even non-cash contributions) to the household would be considered income if they are not for food or medical expenses.
- c. Example: if someone who is not a household member pays the telephone bill every month, or buys gas, tires and insurance for the car, these contributions would be considered income. A family budget or statement of financial responsibility may be required from the Applicant. Investigations may include ordering a credit report on the tenant.

- d. All applicants/tenants who have income under \$6,000 annually will be required to complete a “Zero Income” worksheet every 30 to 90 days.

3. Other Income

- a. Overtime Income will be computed in accordance with verification obtained from the employer, in the absence of more reliable or accurate information.
- b. If Medicare or other periodic receipts have deductions taken out of gross benefit, the gross amount is used in determining income amount, NOT the net amount after the deduction.
- c. If the family's gross income is being garnished for any reason (e.g., child support, IRS), the full amount of the income is still counted.
- d. Bonuses and commissions
 - 1) For persons who regularly receive bonuses or commissions, the PHA will average amounts received for the two years preceding admission or re-examination
 - 2) If only a one-year history is available, the PHA will use the prior year amounts.
 - 3) If family can provide credible justification for not using this history to anticipate future amounts, PHA will use the family's estimate of future earnings.
 - 4) If a new employee has not yet received any bonuses or commissions, the PHA will count only the amount estimated by the employer
- e. Net income from the operation of a business or profession.
 - 1) Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining net income.

- 2). An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations.
 - 3) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
- f. Net income from capital assets defined as significant pieces of property such as homes, cars, investment properties, stocks, bonds
- 1) Expenditures for amortization of capital indebtedness will not be used as deductions in determining net income.
 - 2). An allowance for depreciation is permitted only for straight line depreciation.
 - 3) Any withdrawal of cash or assets from an investment will be included as income, except to the extent the withdrawal is reimbursement of cash or asset invested by the family
- g. Imputed Welfare income
- 1) If the family's TANF grant is reduced as the result of fraud, failure to participate in an economic self-sufficiency program or failure to comply with a work requirement, the amount by which the grant has been reduced is counted as "imputed welfare income." This imputed income is included in family income.
 - 2) Before determining annual income when there has been a reduction, the PHA must receive written verification from HHS that the benefit reduction was caused by noncompliance or fraud, before denying a family's request for a re- examination of income and rent reduction.

- 3) If the reduction in TANF is due to the lifetime limit expiring or a situation where the family has complied with the program requirements but cannot obtain employment, the actual reduction will be taken into account in figuring income.
- 4) The amount of imputed welfare income is offset by income from other sources that starts after the sanction is imposed.
- 5) If the family has found employment in the time between the sanction and the income certification, the new employment income would be subtracted from the imputed welfare income.
- 6) If the new employment income is greater than the imputed welfare income, the imputed welfare income amount would no longer be included.

V. DEDUCTIONS AND ADJUSTED INCOME

A. Mandatory Deductions

1. \$480 for each dependent, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25. This deduction is 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)
 - a. who is under eighteen (18) years of age or
 - b. who is eighteen (18) or older and disabled, handicapped or a full-time student
2. \$525 for any elderly family or disabled family, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25
3. Unreimbursed health and medical care expenses of any elderly family or disabled family, to the extent the expenses exceeds ten (10) percent of annual income

4. Unreimbursed disability assistance expenses (reasonable attendant care and auxiliary apparatus) for each member of the family who is a person with a disability, to the extent the expenses exceed ten (10) percent of annual income and enable any member of the family (including the member who is a person with a disability) to be employed
5. For Elderly and/or Disabled families only - if they have both medical and disability expense, the sum of the two, to the extent the expenses exceed ten (10) percent of annual income.
6. Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education

B. How Deductions are Calculated

The PHA will use current circumstances to anticipate expenses. When costs are expected to fluctuate (e.g., childcare and medical expense) the PHA will estimate costs based on historic data and known future costs.

1. Unreimbursed Medical Expense Deduction

- a. Medical expense deductions are allowable **ONLY** for families whose head, spouse or co-head is at least 62 or is a person with disabilities. **HOWEVER**, the medical expenses of all family members are counted.
- b. Unreimbursed medical expenses may be deducted to the extent that alone or in combination with any disability assistance expense, they exceed 10% of Annual Income. Unreimbursed means that the expenses are not covered by insurance or some other source.
- c. Expenses can include but are not limited to
 - Laboratory fees, X-rays and diagnostic tests, costs for blood, and oxygen
 - Services of health care professionals and health care facilities (doctors, nurses, practical nurses, therapists, hospitals, clinics, etc.)

- Medical insurance premiums (including Medicare) and the insurance deductible
- Prescription and non-prescription medicines (the need for non-prescription medicines must be verified by a licensed medical professional)
- Transportation to/from treatment including the actual cost (e.g., bus fare) or if driving by car, a mileage rate based on IRS rules or other accepted standard
- Medical care of a permanently institutionalized family member IF his/her income is included in Annual Income
- Dental treatment including fees paid to the dentist for cleaning, fluoride treatments, sealants, X-rays, fillings, braces, extractions, dentures
- Glasses and contact lenses
- Hearing aid and batteries, wheelchair, walker, scooter, artificial limbs
- Attendant care or periodic attendant care
- Payments on accumulated medical bills (that will be due in the year for which annual income is computed) for the services of physicians, nurses, dentists, opticians, mental health practitioners, chiropractors, hospitals, health maintenance organizations (HMOs), out-patient medical facilities, and clinics
- Expenses paid to an HMO
- Purchase or rental and upkeep of equipment (e.g., where there are tenant paid utilities, the additional utility costs to the tenant because of an oxygen machine)
- Skilled, semi-skilled, and unskilled nursing services
- Costs for premiums for long term care insurance
- A service animal and the upkeep and care of the animal
- Any other medically necessary service, apparatus or medication, as documented by third-party verification

- d. Medical expenses are expenses anticipated to be incurred during the 12 months following certification or re-examination. The allowance is NOT intended to give a family an allowance equal to last year's expenses, but to anticipate regular ongoing and anticipated expenses during the coming year.
- e. When expenses anticipated could be defined as either medical or disability assistance, the PHA will consider them medical expense unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.
- f. The deduction is calculated by subtracting 10% of Annual Income from the total expense

2. Unreimbursed Disability Assistance Expense Deduction

- a. The amount that may be deducted is the annual unreimbursed expenses of attendant care or apparatuses, to the extent they exceed 10% of Annual Income.

Expenses can include but are not limited to

- in-home care, adult daycare, nursing, house-keeping, personal care and errand services, interpreter for hearing impaired, or a reader for personal with visual disabilities.
- wheelchairs, walkers, scooters, reading devices, equipment added to cars and vans, or service animals
- cost of maintenance and upkeep of any auxiliary apparatus added to a car
- cost of vet, grooming and food costs for a service animal

- b. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

- c. A deduction for attendant care and auxiliary apparatus for a disabled family member may be allowed if expenses
- are necessary to enable a family member 18 years or older to work;
 - are not paid to a family member or reimbursed by an outside source; or
 - in combination with any medical expenses, exceed ten (10) percent of Annual Income.
- d. The PHA will determine the reasonableness of the expenses based on typical costs of care or apparatus in the locality by periodically collecting information from organizations that provide services and support to persons with disabilities.
- A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work.
 - If both Childcare and a Disability expense are needed to enable a person in the family to work, the employment income used to justify the childcare allowance for employment purposes may NOT also be used to justify a disability allowance.
- e. In evaluating the family's request for this deduction, the PHA will consider factors such as
- how the work schedule of the relevant family members relates to the hours of care provided
 - the time required for transportation
 - the relationship of the family members to the person with disabilities
 - any special needs of the person with disabilities that might determine which family members are enabled to work
- f. When the PHA determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members' incomes.

- g. The deduction is calculated by subtracting 10% of Annual Income from the total expense.

3. Deduction When Family Qualifies for Both Medical and Disability Assistance

- a. Families with a head or spouse who is elderly or a person with a disability can potentially receive both the unreimbursed medical and the unreimbursed disability expense deductions.
- b. When both medical and disability expenses are verified, the ten (10) percent deductible from Annual Income is subtracted from the sum of the two

4. Childcare Deduction

- a. Childcare expenses are defined as the unreimbursed amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed.
- b. When verifications have determined that childcare expense is for allowable purposes, the amount deducted will reflect reasonable charges for childcare.
 - 1) PHA may have different amounts determined to be reasonable for differing types of childcare.
 - 2) PHA will keep in mind when setting the "reasonable cost limits" that infant care and childcare for late shift workers is almost always more costly than daytime care.
 - 3) In determining the allowable deduction, PHA will take into account the following factors
 - whether or not the family is receiving subsidies for childcare from local social service agencies and how much is being subsidized

- how the schedule for the claimed activity (for which childcare is needed) relates to the hours of care provided
- the time required for transportation
- the relationship of the family member(s) to the child
- any special needs of the child that might help determine which family member is enabled to pursue an eligible activity

4) Other considerations

- In the case of childcare necessary to permit employment, the amount deducted will not exceed the amount of employment income that is included in Annual Income. In the case of EID recipients, the income amount being counted due to the disallowance is what is used as the cap.
- In the case of a family member using childcare for furthering education, the family member need not be attending full time, but the time spent in educational activities must be commensurate with the childcare claimed. Unlike the employment related portion of the deduction, childcare costs for education purposes are not capped by the amount earned.
- The PHA should not refuse to give a family the childcare expense deduction because there is an adult family member in the household that may be available to provide childcare.
- When more than one family member works, the PHA will determine which member is being enabled to work because childcare is provided. A good general rule is to assume that the childcare expenses enable the lowest paid individual to work.

- If a tenant claims to be paying for childcare provided by an extended family member (who is not a PH tenant), the PHA may wish to verify that the child care provider is actually receiving payments by asking to review the childcare provider's income tax return or cancelled checks.

c. Childcare expenses DO include

- 1) Childcare expenses for foster children
- 2) Payments to a relative who does not live in the family's unit but provides childcare
- 3) Expenses incurred for supervised activities after standard school hours or during school holidays, e.g. summer day camp, after-school sports league, are allowable forms of child care

d. Childcare expenses DO NOT include

- 1) child support payments made to another on behalf of a minor who is not living in the family's household
- 2) costs of general housekeeping and personal services also provided by a childcare provider (amounts will be prorated)
- 3) childcare amounts paid to a family member who lives in the family's unit

C. Hardship Deductions

1. **Phased-in Relief** - for families affected by the statutory increase (from 3% to 10%) in the threshold to receive health and medical care expense and reasonable attendant care and auxiliary apparatus expense deductions from annual income.

- a. To receive the hardship relief the family must have received a deduction from annual income because their sum of expenses exceeded 3 percent of annual income as of January 1, 2024.
- b. Form of relief

- 1) deduction totaling the sum of the expenses that exceed 5 percent of annual income
 - 2) Twelve months after the relief is provided, the family must receive a deduction totaling the sum of expenses that exceed 7.5 percent of annual income.
 - 3) Twenty-four months after the first relief is provided, the family must receive a deduction totaling the sum of expenses that exceed 10 percent of annual income.
- c. A family may request additional hardship relief prior to the end of the twenty-four-month transition period under "General Relief" below.

2. General Relief - provides financial relief for an elderly or disabled family or a family that includes a person with disabilities that is experiencing a financial hardship.

- a. To receive hardship relief under this section, a family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased or the family's financial hardship is a result of a change in circumstances (as defined by the PHA) that would not otherwise trigger an interim re-examination.
- b. General Relief is available regardless of whether the family previously received phased-in relief deductions, is currently receiving phased-in relief, or previously received phased-in relief.
- c. The family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income.
- d. The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.
- e. PHA may, at its discretion, extend the relief for one or more additional 90-day periods while the family's hardship condition continues.

3. Exemption to Continue Childcare Expense Deduction

- a. A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue the child care expense deduction.
- b. The PHA must recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates to the PHA's satisfaction that the family is unable to pay their rent because of
 - 1) loss of the childcare expense deduction, and
 - 2) the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education.
- c. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days.
- d. PHA, at its discretion, may extend such hardship exemptions for an additional 90-day period

D. Optional Deductions/Exemptions: PHA 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. At the time of adoption, no optional deductions are in effect.*

VI. VERIFICATIONS

A. Using Means-Tested Forms of Public Assistance for Income Determination (New from HOTMA)

1. PHA may determine the family's income prior to the application of any deductions applied, based on income determinations made within the previous 12-month period for purposes of the following means-tested forms of Federal public assistance:
 - TANF
 - Medicaid
 - The Supplemental Nutrition Assistance Program (SNAP)
 - The Earned Income Tax Credit
 - The Low-Income Housing Credit

- The Special Supplemental Nutrition Program for Woman, Infants, and Children
 - Supplemental Security Income (SSI)
 - Other programs administered by the Secretary
 - Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding
 - Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through the Federal Register
2. If a PHA intends to use the annual income determination made by an administrator for allowable forms of Federal means-tested public assistance the PHA or landlord must obtain it using the appropriate third-party verification.
 3. If the appropriate third-party verification is unavailable, or if the family disputes the determination made for purposes of the other form of Federal means-tested public assistance, the PHA or landlord must calculate annual income in accordance with existing HUD regulations.
 4. The verification must indicate the tenant's family size and composition, indicate the amount of the family's annual income. meet all HUD requirements related to the length of time that is permitted before the third-party verification is considered out-of-date and is no longer an eligible source of income verification.

B. General Policies

1. As families approach the top of the Waiting List, the PHA will begin to re-verify the following items according to the PHA's Verification Procedures and in accordance with verification guidance provided by HUD in PIH Notice 2004-01 and any subsequent guidance issued by HUD.
 - a. Family Composition and type
 - b. Social Security Numbers of all Family Members
 - c. Citizenship or eligible immigration status
 - d. Annual Income
 - e. Assets and Asset Income

- f. Deductions from Income
2. Verification Procedures will be modified as needed to accommodate persons with disabilities.
 3. The PHA will handle information obtained through the verification process in accordance with the PHA's Records Management Policy.
 4. Applicants/tenants will not be charged for any cost related to verification of information.
 5. Consent Forms: Applicants must cooperate fully in obtaining or providing the necessary verifications.
 - a. All adult Applicants must sign form HUD-9886-A, Authorization for Release of Information. Pursuant to HOTMA, this form needs to be signed only once by applicable family members. The purpose of this form is to facilitate automated data collection and computer matching from specific sources. This form covers only release of information on earned income and unemployment income to the PHA and IRS/SSA information to HUD.
 - b. Only HUD is authorized to collect information directly from IRS and Social Security Administration.
 - c. Adult family members will be asked to sign releases on other forms as needed to collect information to determine family's eligibility and level of assistance.
 - d. If any family member who is required to sign a consent form fails to do so, the PHA will deny admission to Applicants and terminate assistance of existing tenants.
 6. The PHA is authorized by HUD to use five methods to verify family information, in the following order of priority
 - a. Up-front Verification whenever available
 - b. Third-Party Written Verification
 - c. Third-Party Oral Verification
 - d. Review of Documents
 - e. Self-Certification

7. When up-front verification is not available, the PHA will diligently seek third-party verifications using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely manner. (24 CFR § 960.259(c)(1))
8. The PHA will document the reasons when the PHA uses a lesser form of verification than third-party.
9. When Third-Party Verification is not required
 - a. When legal documents are the primary source, such as birth certificates or other legal documentation of birth, third-party verification is not required.
 - b. The PHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.
 - c. The PHA will use review of documents instead of third-party verification when the market value of an asset is less than \$500 annually and the family has original documents that support the declared amount.
 - d. When it is known that an income source does not have the ability to provide written or oral third-party verification, e. g., the source's privacy rules prohibit the source from disclosing information, the PHA will rely on viewing of documents.
 - e. The PHA will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. If the family cannot provide the original documents, the PHA will pay the service charge required unless it is not cost effective. (cost of postage and envelopes to obtain third-party verifications is NOT considered unreasonable cost.)
10. Self Certification
 - a. The PHA may require a family to certify that a family member does not receive a particular type of income or benefit.
 - b. The self-certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified.

- c. Certifications must be signed in the presence of an PHA representative.
11. Verification Documents
- a. Any family-supplied documents used for verification must be originals, not photocopies, which are no more than sixty (60) days old.
 - b. Documents must not be damaged, altered or illegible.
 - c. The PHA will accept a document dated up to six (6) months before the effective date of the family's re-examination if the document represents the most recent scheduled report from a source, e.g., if the holder of a pension annuity provides semi-annual reports, the PHA would accept the most recent report.
 - d. Print-outs from Internet pages are considered original documents.
 - e. Staff members who view an original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed. The staff member must then sign the copy.
 - f. Family self-certifications must be made in a format acceptable to the PHA and must be signed in the presence of an PHA representative.
12. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the PHA followed all of the PHA's policies and procedures for verification. The documentation should allow a staff member or HUD reviewer to understand the process followed and conclusions reached.
13. The income of a family on fixed or partial fixed income will be third-party verified every three (3) years except the PHA will annually use COLA percentages and interest rates rather than independent verification every third year.
14. Age of Verifications
- a. Only verified information that is less than ninety (90) days old may be used for certification or re-certification.
 - b. Verified information that is more than ninety (90) days old must be re-verified before the family is housed.

- c. Verified information not subject to change, such as birth dates need not be re-verified at re-examination.
15. All information provided to the PHA relating to incidents of violence, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, will be retained in confidence by the PHA and will be neither entered into any shared database nor provided to a related entity, except to the extent that the disclosure is (1) requested or consented by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.

C. Social Security Numbers

1. Families are required to provide a Social Security Number for all family members prior to admission.
2. If a Family member does not have the original Social Security card issued by the Social Security Administration, PHA will accept photo identification and verification of the number from the Social Security Office.
3. If a child-under-six is added to the family in the six-month period prior to the date of Voucher issuance, then documentation verifying the child's social security information need only be supplied within 90 days of the effective date of the HAP Contract. One additional 90-day extension may be added, if the Applicant's failure to meet the first timeline was outside his or her control.

D. Citizenship Verification

Verification of citizenship or eligible immigration status will be carried out in accordance with the PHA's Verification Procedures.

1. In the case of a "Mixed Family" Applicant, a member who is a non-citizen not claiming to have eligible status must sign, or must have another family member sign, a certification that they do not have eligible status.
2. If no family member is determined to be either a citizen or an eligible immigrant, the family will be denied assistance.
3. Restrictions on Denial, Delay or Termination of Assistance.

Assistance will not be denied or delayed (or in case of re-examinations, reduced or terminated) on the basis of immigration status if:

- a. verification requests were submitted in a timely manner but

Department of Homeland Security has not completed the procedure

- b. the family member for whom required evidence has not been submitted has moved from the assisted unit (applicable to re-examinations)
 - c. the family member who is determined not to be eligible following verification process has moved from the assisted unit (applicable to re-examinations)
 - d. the Dept. of Homeland Security appeals process has not been completed
 - e. Assistance is prorated according to for a mixed family
 - f. Assistance for a mixed family is continued in accordance with 24 CFR § 5.516 and 5.518 (applicable to re-examinations)
 - g. Deferral of termination of assistance is granted in accordance with 24 CFR § 5.516 and 5.518 (applicable to re-examinations)
 - h. Informal hearing process has not been completed (24 CFR § 5.514)
4. Denial or Termination of Assistance.

Assistance will be denied (or in the case of existing tenants, terminated) if

- a. Evidence of citizenship and eligible immigration status is not submitted by the family within the required time frame or within any extension granted.
 - 1) Extensions may be granted, in writing, for no more than thirty (30) days
 - 2) Denial of extensions will also be in writing, with reasons provided.
- b. Evidence of citizenship and eligible immigration status was timely submitted but Dept. of Homeland Security verifications do not verify eligible immigration status and
 - 1) family does not pursue Dept. of Homeland Security appeal or informal hearing rights, or
 - 2) Dept. of Homeland Security appeal and informal hearing rights are pursued but final decisions are against the family

- c. PHA determines that a family member has knowingly permitted another ineligible individual to reside on a permanent basis in the assisted unit (without the PHA's knowledge and without the assistance having been prorated because of this individual). In such case, termination will be for at least twenty four (24) months.)
- 5. Notice of Denial (or termination). Notice will state:
 - a. that assistance will be denied or terminated and give the reason
 - b. that family may be eligible for prorated assistance
 - c. in case of existing tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families.
 - d. that family has right to appeal the Dept. of Homeland Security results and submit additional documentation supporting the appeal
 - e. that family has right to request an informal hearing with the PHA either upon completion of Dept. of Homeland Security appeal or in lieu of Dept. of Homeland Security appeal.
 - f. for Applicants, that assistance may not be delayed until the conclusion of the Dept. of Homeland Security appeal, but may be delayed during the pending of the informal hearing process.
- 6. Appeal to Dept. of Homeland Security
 - a. After the PHA notifies family of the results of the Dept. of Homeland Security verification, the family has thirty (30) days to send to Dept. of Homeland Security for an appeal:
 - 1) a cover letter indicating their request for an appeal of the verification results
 - 2) any additional documentation supporting the appeal and a copy of the verification request form used to process the secondary verification
 - b. Family must provide the PHA with a copy of the written request and proof of mailing.
 - c. Within thirty (30) days of receipt of the request, Dept. of Homeland Security will render a decision or notify the family of the reasons for any delay.
 - d. Upon receipt of Department of Homeland Security decision, the

PHA will notify the family of its right to request an informal hearing on the ineligibility determination.

7. Informal Hearing
 - a. Family may request a hearing in lieu of an Dept. of Homeland Security appeal or following it.
 - b. Family must request the hearing within thirty (30) days of the notice of ineligibility determination based on immigration status by the PHA, if it does not wish to appeal to DHS; if it has appealed to Dept. of Homeland Security, then the family must request the hearing within thirty (30) days of the Dept. of Homeland Security appeal decision.
 - c. The hearing will be conducted according to the PHA's informal hearing procedure as outlined in Section X.
 - d. The PHA will provide the family with a written final decision and the reasons for that decision, based solely on the facts presented at the hearing, within fourteen (14) days of the date of the informal hearing.
8. Retention of documents. The PHA will retain for a minimum of five (5) years all of the documents related to the Dept. of Homeland Security appeal or informal hearing process. (24 CFR § 5.514)

VII. RENT DETERMINATION

A. Income-based Rent

1. Total Tenant Payment (TTP)
 - a. The first step in computing income-based rent is to determine each family's Total Tenant Payment or TTP.
 - 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 minus the Utility Allowance is a negative number, the result is the utility reimbursement, which is paid directly to the tenant or the utility company by PHA.
2. Total Tenant Payment (income-based rent) is
 - a. 30% of Adjusted Monthly Income or 10% of Monthly Income, whichever is higher
 - b. never less than the Minimum Rent
 - c. not more than the Flat Rent, if chosen by the family
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 PHA pays all utility bills directly to the utility supplier, Tenant Rent equals Total Tenant Payment.
4. Minimum Rent - The Minimum Rent is \$50.00 per month. (*Best practice is \$50*)
5. Minimum rent hardship exemption

A hardship exemption shall be granted to tenants who can document that they are unable to pay the minimum rent because of a long-term hardship (over 90 days). Examples of situations under which tenants would qualify for the hardship exemption to the minimum rent are limited to the following

 - a. Family has lost eligibility for or is applying for an eligibility determination for a federal, state or local assistance program.
 - b. Family would be evicted as result of the imposition of the minimum rent requirements.
 - c. 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 30% of Adjusted Monthly Income or 10 percent of Monthly Income, whichever is greater.

B. Flat Rent

1. General

- a. Flat Rents are determined in accordance with HUD regulations at 24 CFR § 5.960.253 (b)
- b. Flat Rents vary by apartment size and type and also by development location.
- c. Flat Rent payers do not receive a Utility Allowance. An apartment with tenant-paid utilities will have a lower Flat Rent than the same apartment with project-paid utilities.
- d. PHA will review the Flat Rent structure annually and adjust the rents as needed
- e. Flat Rents may be either increased or decreased based on HUD's published Fair Market Rents.
- f. When a tenant chooses Flat Rent, his/her rent shall be adjusted only at the next annual re-examination rather than when PHA may revise the Flat Rents.

2. Recertification of families on Flat Rent

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 Re-examination in order to ensure that apartment size is still appropriate and Community Service/Self-sufficiency Requirements (CSSR) (if applicable) are met.

3. Hardship Reduction in Flat Rents

- a. If a tenant who opted for Flat Rent experiences a decrease in income, PHA will perform an Interim Re-examination of Income.
- b. If the reduction in income will last more than 30 days, PHA will reduce rent to the income-based rent based on verified income information.
- c. If the Tenant's income rises again before the annual re-examination, the tenant must pay the income-based rent until the next annual re-examination.

C. Choice of Rent

1. Once each year, beginning with admission and continuing at each annual re-examination, 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 be offered only at admission and annual re-examination.

D. Errors in Income Calculation - If the PHA becomes aware of an income calculation error, the error(s) will be corrected retroactive to the effective date of the action resulting in an error regardless of the dollar amount associated with the error.

- a. Families will not be required to repay the PHA in instances where miscalculated income resulted in the family being undercharged for rent.
- b. Once the PHA becomes aware of the error, the family will be provided with a 30-day notice of the increase to their rent.
- c. The PHA will take corrective action to credit or repay a family if the family was overcharged tenant rent, including de minimis errors, in the income determination. (de minimis is defined as an error that results in a difference in the determination of a family's adjusted income of \$30 or less per month, or \$360 per year)

VIII. UTILITIES

A. Tenant-Paid Utilities

The following requirements apply only to tenants living in developments with tenant-paid utilities.

1. PHAs with properties that have tenant-paid utilities are required to review the utility allowances at least once every 12 months.
 - a. If utility rates have changed by 10 percent, either up or down, the utility allowances must be adjusted.
 - b. It is also necessary to adjust the utility allowances if PHA makes capital improvements that significantly improve energy efficiency. An engineer should advise PHA if that occurs.

- c. If the utility allowance is decreasing, a sixty (60) day notice must be given to the tenants before the decrease is effective.
2. In units with tenant-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.
3. If a tenant or applicant is unable to get utilities connected in his/her own name because of bad credit or a previous balance owed to the utility company at a prior address, the tenant or applicant will not be permitted to move into a unit with tenant-paid utilities. Depending upon the size and type of unit an applicant needs, the inability of an applicant to get utilities connected may cause the application to be rejected.
4. When a tenant makes application for utility service in his/her own name, he/she is required to sign a third-party notification agreement so that PHA will be notified if the tenant fails to pay the utility bill.
5. Each tenant will receive a monthly Utility Allowance that reflects a reasonable amount of utilities for the specific size and type of apartment occupied.
6. Tenants who pay their utility bills directly and are paying an income-based rent have the amount of rent owed to PHA reduced by the amount of the Utility Allowance. In other words, the tenant's Total Tenant Payment, less the Utility Allowance equals the Tenant Rent owed to PHA.
7. If the tenant's actual utility bill is less than the Utility Allowance, the tenant receives the saving.
8. Tenants who have elected to pay a Flat Rent do not receive a utility allowance. The value of the utilities paid by the tenant has already been deducted from the Flat Rent.

B. Utility Reimbursements

1. When a tenant's Total Tenant Payment is less than the Utility Allowance PHA will pay a utility reimbursement, equal to the difference between one month's Total Tenant Payment and the Utility Allowance to either the tenant or the utility supplier.
2. When the value of the utility reimbursement is less than \$15 per month, reimbursements will be paid quarterly rather than monthly.

3. Tenants 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.

C. Excess Utility Charges

1. Check-metered developments or buildings: In buildings that are check-metered, tenants shall have consumption-based utility allowances that reflect the size and type of units and actual equipment provided by PHA. Check meters are read by PHA and each tenant charged only for consumption in excess of the Utility Allowance at the rate paid by PHA.
2. In buildings where utilities are not individually metered and there are no check meters (all-bills-paid properties), PHA may make excess utility charges for the use of certain tenant-supplied appliances in excess of those supplied by PHA. Examples include
 - a. second refrigerator
 - b. freezer
 - c. tenant supplied air conditioner
 - d. unreported water leak
 - e. use of PHA water for a car wash business

D. Reasonable Accommodations

Tenants with disabilities may be entitled to a higher than normal Utility Allowance or may not be charged for the use of certain tenant-supplied appliances if there is a verified need for special equipment because of the disability.

IX. LEASING

A. General Leasing Policy

1. Apartments will be leased without regard to race, color, religion, sex, age, sexual orientation, gender identity, national origin, disability and family status.
2. All units must be occupied by families whose sole residence is the apartment.
3. All units must be occupied pursuant to a signed PHA lease that complies with HUD's regulations

4. PHA will neither offer nor move a family into an apartment that does not meet basic standards of habitability, including HUD occupancy standards.
5. The lease shall be signed by the head, spouse, and all other adult members of the family and by the authorized representative of PHA, prior to actual admission
6. PHA shall provide an explanation of the lease provisions either prior to move-in or at the time of move-in. The explanation must be in a language understood by the Tenant or in a manner understood by a person with disabilities.
7. Changes in family composition, income or family status between the eligibility interview and leasing will be processed by the PHA Office.
8. Security Deposit (24 CFR § 966.4 (b) (5))

A Security Deposit will be charged to resident families, payable prior to occupancy unless other arrangements are made, to cover the cost of property damage and/or abuse that is noted when the family vacates the unit. Amount of security deposit and provisions for refund are contained in the PHA's *Security Deposit Policy*, incorporated into this policy by reference.

A Satellite Deposit is in addition to the Security Deposit, in accordance with the PHA's *Satellite Dish Policy*.

9. Animal Fees are in addition to the security deposit, in accordance with PHA's *Animal Ownership Policy*. Assistance animals verified to be needed by tenants with disabilities are not pets and fees are not required.
10. If a tenant is transferred from one PHA apartment to another, a new lease will be executed for the dwelling into which the family moves.
11. If at any time during the life of the lease agreement, a change in the tenant's status results in the need for changing or amending any provision of the lease
 - 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.
 - d. All copies of such riders or insertions are to be dated and signed by the tenant and by the Executive Director or other authorized representative of PHA.

12. At the time of leasing, the new tenant will receive a copy of the applicable PHA Lease and the following attachments
 - a. Animal Ownership Policy
 - b. Community Service/Self-sufficiency Requirement (CSSR) Policy
 - c. Applicable City Ordinances
 - d. Other lease attachments as stipulated in Part 1 of the Lease
13. If, at any time, the head of household dies or leaves the unit for any reason (Institutionalization, forming a new household elsewhere), PHA 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 adult member who was listed on the lease for the apartment; and
 - c. the family includes a person who is either an adult or an emancipated minor capable of executing a lease.
14. Tenants are not permitted to allow roomers or boarders to occupy their apartments. Violation of this provision is grounds for lease termination.
15. Tenants are not permitted to allow a former tenant of PHA who has been evicted or owes the PHA to occupy their unit, even as a visitor. Violation of this provision is grounds for lease termination.
16. Tenants must advise PHA if they will be absent from the apartment for more than 7 days. Tenants shall notify the PHA Office, secure the apartment and provide a means for PHA to contact the tenant in an emergency. Failure to advise PHA of an extended absence is grounds for termination of the lease.

B. Showing Units Prior to Leasing

1. Applicants may have an opportunity to see the unit being offered or a similar sample unit before they accept the offer and lease the apartment.
2. PHA will not show or move a family into a unit that does not meet basic habitability standards, including applicable PHA occupancy standards and inspection standards.

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

1. Only persons listed on the most recent certification form and lease, or added in accordance with law or this policy, shall be permitted to occupy a dwelling unit
2. Children will be added to families if they are born to or adopted by a family member or a court awards custody to an adult family member listed on the lease.
3. Generally, PHA will approve the addition of an adult family or household member only when that individual passes screening and does not overcrowd the family in the unit they currently occupy.
4. Tenants who permit unauthorized individuals to occupy their units are subject to lease termination and eviction.

D. Animal Ownership

PHA permits tenants to own or have one animal in their units. Tenant must maintain each animal responsibly, in accordance with relevant state and local public health, animal control and anti-cruelty laws, and in accordance with *PHA's Animal Ownership Policy*.

E. Visitors

1. Overnight visitors are permitted in a dwelling unit in accordance with PHA's *Procedure on Visitors* so long as they have no previous history of behavior on PHA premises that would be a lease violation.
2. Tenants must register all their overnight visitors with the PHA Office. The PHA will not conduct a background check unless there is reason to believe that the individual lives there or if the PHA receives complaints about the visitor's behavior from other tenants or law enforcement personnel.
3. In PHA properties any visitor may visit overnight for no more than 5 consecutive nights or 30 days/nights in any twelve-month period.

X. RE-EXAMINATIONS OF INCOME AND FAMILY CIRCUMSTANCES

A. Eligibility for Continued Occupancy

Tenants who meet the following criteria will be eligible for continued occupancy.

1. qualify as a family as defined in Section XIV of this policy
2. are in full compliance with the tenant obligations and responsibilities as described in the dwelling lease as documented by a lack of lease violation notices in their files
3. whose family members each have verified Social Security Numbers.
4. who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent
5. who are in compliance with the PHA's Community Service/Self-sufficiency Requirement (CSSR)
6. who do not have net family assets valued at over \$100,000 or do not own a home they could live in.

If a family's net assets have gone above the threshold, PHA's have options for asset considerations at annual or interim exams

- a. *Total Non-Enforcement – written policy fairly applied to all, must calculate net family asset income for purposes of determining income, including real property; but determining if property is suitable for occupancy is a non-issue*
- b. *Enforcement – must initiate termination or eviction proceedings within six months, if either assets have gone over \$100,000 or they have a home they can live in. PHA may delay the initiation for up to but no longer than six months*
- c. *Limited Enforcement – Option to Cure – family is given up to six months to become compliant but no more than six months. Policy must address the timeframe for curing non-compliance*
 - 1) *They reduce the amount of their net family assets to an amount below \$100,000, or*
 - 2) *They sell the house that they could live in.*
 - 3) *If they come into compliance with the asset limits and “owning-a-home-they-could-live-in” rule, they will remain eligible to live in Public Housing.*

- 4) *If they fail to comply during the six month period, their leases must be terminated since they will no longer be eligible to live in Public Housing.*

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;
 - 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 10 calendar days of the departure/death of the former head.
2. Remaining family members aged 18 years or older will be held responsible for debts incurred by the former head or spouse.
3. PHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the debt incurred before the remaining member attained age 18.

C. Re-examinations

1. **Regular Re-examinations:** PHA shall, at least once every 12 months, re-examine the family composition and incomes of all tenant families, except
 - a. Public Housing families paying Flat Rent may have their incomes reexamined only every three years.
 - b. PHA may take a streamlined approach to the verification of income for families with fixed incomes using COLA percentages and interest rates rather than independent verification every third year.
2. **Special Re-examinations:** When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special re-examination will be scheduled every 120 days until a reasonably accurate estimate of income can be made.
3. A special re-examination 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.

4. Zero Income Families or Income Under \$6,000: Unless the family has income that is excluded for rent computation (e.g., the family receives State funding for the care of foster children), families reporting zero income will have their circumstances examined every 30-90 days until they have a stable income. As required by federal regulations, 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.
5. If PHA is terminating the lease of a tenant when the tenant is scheduled for re-examination, the re-examination will be completed but a new lease will not be executed.
 - a. If PHA prevails in the lease termination action, a new lease will not be executed, and the tenant will be evicted.
 - b. If the tenant prevails in the lease termination action, a new lease will be executed.
6. Action Following Re-examination: If there is any change in rent, a Notice of Rent Adjustment will be issued.
 - a. If any change in the apartment size is required, the tenant 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.
 - 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 tenant has the right to request a grievance hearing if he/she disagrees with or does not understand the new rent.
7. Effective Date of Adjustments
 - a. Tenants 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.
 - c. Rent increases (except those due to misrepresentation) require 30 days' notice and become effective the first day of the following month.
 - d. Rent increases due to misrepresentation are retroactive to the first of the month following the event that was misrepresented or not reported.

- e. Failure to complete the Annual Re-Exam by the due date will forfeit the 30 day notice of rent increase. Rent increase will be effective the date of the Annual Re-Examination.

D. Over-Income Tenants

1. If a tenant's projected income at the time of annual re-examination or interim adjustment exceeds the over-income limit for continued occupancy (120 percent of Area Median Income, adjusted for family size) PHA will inform the tenant that if their income continues to exceed this income limit at their annual re-examination for 24 more consecutive months the tenant must find new housing and move out of their Public Housing unit within six months of the end of the 24 month "grace period".
2. When PHA becomes aware of the tenant's over-income status they will inform the tenant of their policy and schedule another re-examination of their income twelve months from the date the tenant was first over-income.
3. At the twelve month re-examination PHA will, once again, explain their policy requiring all tenants who are over-income for 24 consecutive months to move out of Public Housing.
4. Finally, PHA will perform another income re-examination 24 months after the initial determination. If at this point the family income still exceeds the over-income limit the family will be given notice that they have six months to find alternative housing and move out of Public Housing or face eviction.
5. At this point the PHA will convert the tenant's lease from an annual lease to month-to-month.
6. PHA will also inform all over-income tenants, both at the initial determination and at the 12 month reexam that if their income should decrease below the over-income limit during the 24 months "grace period" that they will be permitted to remain as Public Housing tenants.
7. If an over-income tenant's income decreases below the over-income limit during the 24 month grace period and subsequently increases over the limit, the tenant is once again entitled to the full 24 month grace period.

As an alternative to requiring the family to move in 6 months, the PHA may establish a policy permitting the over-income to stay in place as a non-Public Housing tenant. The tenant must sign a non-Public Housing lease and pay a rent based on the higher of the

HCV Fair Market Rent or a rent based on the PUM value of operating and capital subsidy attributable to their unit.

XI. INTERIM RENT ADJUSTMENTS

A. Adjusting Rent between Regular Re-examinations

1. Tenants are required to report all changes in family composition or status to PHA 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, tenants must report income decreases timely. Tenants are also required to report interim increases in income if they have been granted interim rent reductions or have previously reported zero income.
2. PHA is not required to perform interim rent adjustments if they believe that the difference in a family's annual income (either an increase or a decrease) will amount to a difference of less than 10 percent)
3. PHA may decline to do interim adjustments in the last 3 months before a family's annual or biennial re-examination. If failing to perform an interim adjustment will make it impossible for a family to pay rent, PHA may conduct the interim adjustment in the last 3 months before the re-examination.
4. PHA wishes to encourage families to improve their economic circumstances, so some changes in family income between re-examinations will not result in a rent change. PHA will process interim changes in rent in accordance with the chart below.



INCOME CHANGE	PHA ACTION
Decrease in income for any reason, except for decrease that lasts less than 30 days, is subject to Imputed Welfare Income rules, or will decrease annual income by less than 10 percent.	Process interim rent reduction if income decrease will last more than 30 days, is not subject to Imputed Income rules or is more than 10 percent of annual income. (24 CFR § 5.609)
Increase in verified family deductions	Process interim rent reduction if income decrease will last more than 30 days and reduces adjusted income by more than 10 percent. (24 CFR § 5.609)
Increase in income following PHA granting interim rent decrease.	Process interim rent increase for income increases after interim rent reductions.
Increase in earned income from the employment of a current household member.	Defer rent increase until next regular reexam unless the family has had an interim rent reduction in the reexam period. (24 CFR § 960.255)
Increase in unearned income (e.g., COLA adjustment for social security).	Defer rent increase to the next regular reexam unless the increase is more than 10 percent of annual income.
Increase in income because a person with income (from any source) joins the household.	Conduct an Interim Redetermination of the family's income and raise the rent.
Increase in income because Tenant misrepresented income or deductions.	Conduct an Interim Redetermination of the family's income and raise the rent retroactively to the date of the misrepresentation or terminate the lease.
Increase in monetary or non-monetary income after Tenant claims zero income	Process an interim rent increase.

5. PHA will process an interim increase in rent only if
 - a. the change in income will be a decrease or increase of more than 10 percent of annual income.
 - b. the tenant has misrepresented or failed to report facts upon which rent is based, so the rent the Tenant is paying is less than it should have; or
 - c. the tenant's income increases after the tenant was granted an interim decrease in rent; or
 - d. the tenant reported zero income and has a verified increase in income (that may be a non-monetary contribution); or
 - e. a person with income joins the household.

6. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by PHA.
7. PHA will process interim decreases in rent as follows:
 - a. When a decrease in income is reported and PHA verifies that the decrease will last less than 30 days, an interim adjustment will not be processed.
 - b. PHA will not process interim rent decreases if the reduction in the annual income is less than 10 percent of annual income.
 - c. Tenants reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed except in the three months before the family's next regular re-examination.
8. Tenants granted a reduction in rent are required to report for special re-examinations at intervals determined by PHA. Reporting is required until income increases or it is time for the next regularly scheduled re-examination, whichever occurs first.
9. If tenants 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.
 - c. If a tenant challenges the welfare department's reduction of their grant, an interim reduction in rent will not be processed until the matter is settled by the welfare department.
 - d. If the welfare department upholds the grant reduction, the tenant shall owe a retroactive rent on the interim rent reduction granted in "8" above.
 - e. If the welfare department overturns the grant reduction, no retroactive balance is owed. See PHA *Procedure on Imputed Welfare Income*

B. Interim Changes in Family Composition

1. All changes in family composition must be reported within ten days of the occurrence. Certain types of changes do not require PHA advance approval, but they must be reported within ten days of occurrence, including
 - a. someone listed on the lease leaving the unit and
 - b. birth, adoption or court-awarded custody of a child.
2. Additions of the following persons must be requested in writing by the tenant and require written permission from PHA 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 or children in kinship care
3. All adults who are proposed for addition to a family or household must be screened by PHA and, with the exception of Live-in Aides, must not overcrowd the unit.
4. When the change in family size would require the family to transfer to a smaller or larger unit, the family will be placed on the transfer list as soon as the change in family circumstances is verified. Transfers will be processed in accordance with this policy.

C. Effective Date of Rent Adjustments

Tenants 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, timely, 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 after the circumstances leading to the increase.

D. Earned Income Disallowances (EID)

Effective 1/1/2024 the Earned Income Disallowance is no longer in effect. After that date the only tenants who will be receiving EIDs are those who qualified before 12/31/2023.

XII. TRANSFERS

A. General Transfer Policy

1. Transfers will be made in accordance with PHA's *Transfer Procedure*.
2. Transfers are made within and between properties without regard to race, color, sexual orientation, gender identity, national origin, sex, religion, or familial status.
3. Tenants can be transferred to accommodate a disability.
4. Tenants will not be transferred to a dwelling unit of equal size except to alleviate hardship of the tenant or other undesirable conditions as determined by the PHA.
5. Tenants will receive one offer of a transfer. Refusal of that offer without good cause (see Section III B 6 for list of "good causes") will result in lease termination or mandatory transfers or the removal of the household from the transfer list for voluntary transfers.
6. There is no notice requirement for emergency transfers. All other categories of transfers will be given the appropriate amount of notice required by the laws of the State.
7. When possible, PHA will allow a tenant in good standing to choose the property to which to transfer so long as there are units of the right size and right type for the tenant being transferred.
8. Tenants who are subject to mandatory transfers do not have the right to wait until a suitable unit is available at the property they prefer; rather, each tenant will receive a choice of the units available that are the right size and type.

9. Tenants cannot be transferred across housing programs, but tenants can be transferred within such properties.

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 and are made when PHA determines that unit or building conditions pose an immediate threat to tenant life, health or safety or to resolve problems of a life-threatening nature that are not related to building or unit conditions.
 - 1) PHA is not required to give prior notice of an Emergency Transfer.
 - 2) Emergency conditions that occur due to tenant abuse or neglect will be grounds for emergency transfers; however, tenant will be charged for the damages caused to the apartment.
 - 3) Refusal to accept an emergency transfer is grounds for lease termination and eviction, although VAWA transfers are not mandatory. A tenant refusing a VAWA transfer must sign a form acknowledging that PHA offered a transfer which was refused.
 - b. Administrative Transfers: These transfers shall take priority over new admissions.
 - 1) Priority 1:
 - a) voluntary administrative transfers to move tenants with disabilities to accessible units or units with features that accommodate their disabilities better than those in their current apartments.
 - b) mandatory transfers of tenants without disabilities from accessible units when no one in their family needs the accessibility features, to regular units so that a family that needs the accessibility features can occupy the accessible unit.

c) also covers transfers of individuals from independent living apartments to a property with enriched supportive services when such services are needed to preserve the tenancy of the individual with disabilities.

2) Priority 2:

Mandatory administrative transfers to permit PHA to renovate, modernize, revitalize, demolish or dispose of a Public Housing property.

3) Priority 3:

Deconcentration transfers of extremely low income tenants from general occupancy properties that have average incomes less than 85% of the PHA-wide average to higher average income properties.

4) Priority 4:

New admissions from the Waiting List

5) Priority 5:

Mandatory transfers to move families out of units that are too large or too small for the families. Families in units that are too large shall be transferred before families in units that are too small.

2. Whenever feasible, transfers will be made within a tenant's area or other location of the tenant's choice, but tenants do not have the right to delay a transfer because a unit in the location they prefer is not available at the time they are required to transfer.

C. Priorities for Admissions and Transfers

Transfers will be sorted into their appropriate categories and offers of apartments will be made in the following order:

1. Emergency transfers.
2. Administrative transfers in the following category order

Priority 1: Reasonable accommodations for tenants with disabilities

Priority 2: PHA-initiated transfers to permit construction or revitalization

Priority 3: Deconcentration Transfers

Priority 4: New Admissions from the Waiting List.

Priority 5: Over-housing and Overcrowding

D. Tenants in Good Standing

1. In general, tenants will be considered for transfers only if the head of household and other family members and guests under the tenant's control meet the following
 - a. are current on rent without unpaid balance at any time in the past 12 months or current on a repayment agreement for the past 12 months
 - b. are current on utility payments to PHA or to utility supplier or are current with any repayment agreement with PHA 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 (Violations of the lease must be documented by notices of lease violations or other evidence of serious or repeated violations of the material terms of the lease)
 - 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
 - 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
 - f. For all tenant incentive transfers, a one-year perfect record of timely payment (rent and other charges), good housekeeping record and no lease violations is required.
2. Exceptions to the good record requirements may be made for emergency transfers or when it is to PHA's advantage to make the transfer. The exception to the good record requirement will be made by PHA.

3. Absent a determination of exception, the following policy applies to transfers
 - a. If back rent is owed, the tenant 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 tenant with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

E. Cost of Transfers

1. PHA will pay the cost of transfers it initiates and reasonable accommodation transfers but not those due to changes in family size (overcrowding and over housing) or change in income tier.
2. Transfers in connection with modernization or revitalization will include moving expenses including the cost of disconnecting and reconnecting utilities.

XIII. COMMUNITY SERVICE/SELF-SUFFICIENCY REQUIREMENT (CSSR)

A. Background

1. The Community Service/Self-sufficiency Requirement (CSSR) is only applicable to tenants of Public Housing properties or tenants living in ACC subsidized units at mixed finance properties. No one using a tenant based voucher in a market rate unit at a mixed finance property is subject to the CSSR.
2. PHA is working to enable its tenants to become fully economically independent. In support of this goal and HUD requirements, PHA requires that all non-exempt members of tenant families meet monthly targets for neighborhood service or economic self-sufficiency, as monitored monthly.
3. The CSSR is 8 hours per month for each non-exempt adult (not for each family with a non-exempt adult).

4. Compliance with CSSR activities is monitored by monthly contact between the non-exempt tenant and the PHA Office. PHA may opt not to accept tenant certifications of compliance with the CSSR if forgery is suspected. It will continue to verify compliance.

B. Definitions

1. Community Service activities - volunteer work that benefits the property or the local neighborhood includes, but is not limited to the following
 - 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 childcare center, etc.
 - b. work with a non-profit organization that serves PHA tenants 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 to community theater, dance, music (orchestra, voice, choir, 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 ground 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. care for the children of other tenants 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 Texas Dept. of Health and Human Services as part of welfare reform
 - o. The self-sufficiency hours counted toward the 8 hour per month requirement will be only hours when a non-exempt adult is actually attending class or engaged in job training. It will not include time in transit.
 5. Exempt Adult - an adult member of the family who is not subject to CSSR because he/she is

- a. 62 years or older
- b. blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c), and who certifies that, because of this disability, she/he is unable to comply with the service provisions
- c. primary caretaker of a person who is blind or disabled
- d. engaged in work activities
 - 1) working at least 30 hours per week in an unsubsidized job
 - 2) subsidized private-sector employment
 - 3) subsidized public-sector employment
 - 4) on-the-job-training
 - 5) job-search
 - 6) Community Service/Self-sufficiency programs
 - 7) vocational educational training (not to exceed 12 months with respect to any individual)
 - 8) job-skills training directly related to employment
 - 9) education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
 - 10) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate
- e. a member of a family receiving and compliant with requirements of the Temporary Assistance for Needy Families (TANF)
- f. a member of a family receiving and compliant with requirements of the Supplemental Nutrition Assistance Program (SNAP)
- g. a member of a family receiving assistance, benefits, or services under any other welfare program of the State in which PHA is located, including a State-administered Welfare-to-Work program, who has not been found by the State or other administering entity to be in noncompliance with such a program

C. Requirements of the Program

1. Each non-exempt adult in a Public Housing family 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. PHA 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 PHA. 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 tenant family must
 - 1) provide documentation that they are exempt from CSSR 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 CSSR will result in termination of their lease.
 - b. Once each month non-exempt family members must present a completed documentation form (provided by PHA) of activities performed over the previous month to the PHA Office.
 - c. At each annual re-examination, non-exempt family members must present a completed documentation form (provided by PHA) 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 the PHA Office 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 the PHA Office. PHA 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. PHA obligations

1. To the greatest extent possible and practicable, PHA will
 - a. provide names and contacts at agencies that can provide opportunities for tenants, including those with disabilities, to fulfill their CSSR obligations
 - b. provide referrals for volunteer work or self-sufficiency programs.
2. PHA 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. PHA will make the final determination as to whether a family member is exempt from the CSSR.
4. Tenants may use PHA's *Grievance Procedure* if they disagree with PHA's determination.

E. Noncompliance of a Non-exempt Family Member

1. If a non-exempt adult fails to report to PHA or fails to complete the required eight hours of neighborhood service or self-sufficiency activity, the non-exempt adult shall be considered to be in noncompliance.
2. When PHA receives a report of a non-exempt adult's failure to either report or complete the required activity, PHA shall send a Notice of Lease Violation to the head of household.
3. The non-exempt adult may be granted additional time to make up any lost hours if properly reported to PHA.
4. 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.

5. The family may use PHA's *Grievance Procedure* to contest the lease termination.

XIV. LEASE TERMINATION

A. General Policy

Either PHA or the tenant may terminate tenancy at any time in accordance with all applicable federal, state and local laws and the lease terms

B. Tenant-initiated Lease Terminations

Tenant may terminate tenancy by providing 30 days' written notice to PHA or they will be penalized 30 days rent.

C. PHA-initiated Lease Terminations

1. PHA shall terminate the lease only for serious or repeated violations of the material provisions of the lease or other good cause.
2. PHA 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 tenant with disability, in the format requested by the tenant
3. PHA shall notify tenant in the lease termination notice of tenant's grievance rights if the lease termination is subject to the *Grievance Procedure*.
4. PHA is sensitive to the possibility that certain actions of a tenant may be related to or the result of domestic violence, dating violence or stalking (see Section XIV) and will offer a tenant in this situation an opportunity to certify to such facts.
 - a. The Violence Against Women Act protects individuals who are the victims of such crimes and misdemeanors from lease termination and eviction for criminal activity related to their victimization.
 - b. Victims have 14 days to certify (on HUD form 5382) or provide other documentation of their status.

5. If a non-exempt member of a tenant family fails to comply with the 8 hour per month Community Service/Self-sufficiency Requirement (CSSR), the entire family may be subject to lease termination.
 - a. In such cases the tenant and PHA may enter into a contract to make up the delinquent service hours within the 12 months following the period for which hours are delinquent.
 - b. If, at the end of the second year, the individual fails to perform both the current and delinquent hours agreed to, PHA will terminate tenancy.

D. Notification Requirements

1. PHA's written Notice of Lease Termination will state the reason for the proposed termination, the section of the lease violated, the details of the reason for termination, the date the termination will take place and will indicate the tenant's rights under state law and this policy.
2. At Termination, Form HUD 5380 Notice of Occupancy Rights Under the Violence Against Women Act, must accompany the Notice of Termination.
3. The Notice of Termination may run concurrent with any Notice to Vacate, or other notification required by state law.
4. Notices of lease termination may be personally served on a member of the tenant household who is at least 15 years old, may be taped to the inside of the front door of the unit, or may be mailed by certified mail and first-class mail. This is subject to Justice of the Peace local practice.
5. When PHA terminates the lease, written notice will be provided as follows.
 - a. 14 days prior to termination for failure to pay rent – *(currently 30 days under CARES ACT PIH Notice 2021-29. Currently out for Public Comment to make permanent 30 day notice.)*
 - b. 3 days prior to termination, consistent with the exigencies of the situation in cases of violent or drug-related criminal activity that threatens other tenants, staff, or neighbors of the property
 - c. At least 30 days prior to termination in all other cases or as required by HUD regulations

E. Eviction Actions

1. PHA may evict a tenant only by bringing a Court action.
2. The Constable's Office or another legally authorized department is the only entity authorized to execute an eviction.
3. If PHA files an eviction action against a tenant, the tenant will be liable for Court costs, including attorney's fees, unless the tenant prevails in the action.
4. PHA is not required to prove that the tenant knew or should have known that a family member, household member, guest, or other person under the tenant's control was engaged in the action that violated the lease. The tenant must prove this defense by the preponderance of the evidence.
5. In deciding whether or not to evict for criminal activity PHA 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 of criminal activity by a family member other than the head or spouse, PHA 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 or the property.
7. PHA may require a tenant 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. PHA may require that the remaining family members live in strict compliance with the lease and that the family be placed on lease probation for an appropriate period of time.
9. Once an eviction occurs, PHA shall notify the Post Office that mail should no longer be delivered to the tenant at the dwelling unit.
10. When a member of a tenant family commits domestic violence against another member of the tenant family PHA may bifurcate the lease and evict only the person committing the violence, permitting the remainder of the family to stay in the unit in accordance with the Violence Against Women Act.

F. Recordkeeping Requirements

A written record of every termination and/or eviction shall be maintained by PHA, and shall contain the following information.

1. name of tenant, tenant's race and ethnicity, number and identification of apartment occupied
2. 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
3. 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
4. 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
5. 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
6. date and method of notifying tenant
7. summaries of any conferences held with tenant including dates, names of conference participants and conclusions
8. copy of the served Termination Notice
9. copy of any agreed settlement orders
10. copy of any post-judgment agreements

XV. DEFINITIONS

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.

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

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 (UFAS). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. 24 CFR § 8.3 & § 40.3.5

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

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)

Applicant – an individual or a family that has applied for admission to housing.

Area of Operation - Jurisdiction of PHA as described in state law and PHA's Articles of Incorporation – the city of Paris.

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

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

Bifurcate – means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact. See 24 CFR Part 5, 5.2003 Subpart L: Protection for Victims of Domestic Violence

Care Attendant - a person that regularly visits the apartment of a PHA 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 PHA must demonstrate separate residence) and do not live in the Public Housing apartment. Care attendants have no rights of tenancy.

Citizen – Citizen (by birth or naturalization) or national of the United States. 24CFR § 5.504

Co-head of Household – One of two persons held responsible and accountable for the family.

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 PHA *Policy on Community Service*.

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.

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

Dating Violence – for purposes of interpreting the Violence Against Women Act, Violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Day Laborer – An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

Dependent - A member of the family (which excludes foster children and foster adults), other than the family head or spouse, 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

Designated Family - means the category of family for whom PHA 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

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.

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 or subsidy determination purposes, whether or not located on a common site. 24 CFR § 5.603

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.

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

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

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.)

Domestic Violence - The term 'domestic violence' includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim service, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who

1. Is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
2. Is cohabitating or has cohabitated with the victim as a spouse or intimate partner;
3. shares a child in common with the victim; or
4. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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

Earned Income – means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, SSI, and governmental subsidies for certain benefits) or any cash or in-kind benefits. 24 CFR § 5.100

Economic Abuse - The term 'economic abuse' in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to (A) restrict a person's access to money, assets, credit, or financial information; (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interest of a person to whom one has a fiduciary duty.

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

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

Elderly Person - A person who is at least 62 years of age. 42 USC 1437a(b)(3)

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 USBCI document. 24 CFR § 5.0508

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 or who is legally married. An emancipated minor is eligible to be a head of household and sign a PHA lease.

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.

Family – Includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity or marital status: 24 CFR §§ 5.403

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person.
2. An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age, and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act (42 USC 674(5)(H)), and is homeless or is at risk of becoming homeless at age 18 or older; or
3. A group of persons residing together, and such group includes but is not limited to:
 - a. A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family)
 - b. An elderly family
 - c. A near elderly family
 - d. A disabled family
 - e. A displaced family

- f. Remaining member of a tenant family.
4. Live-in Aides may also be considered part of the applicant family's household. However, live-in aides are not family members, even if related to the family, and have no rights as "remaining family members".
5. 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 and should be considered in determining the unit size for the family but are not family members and have no rights as "remaining family members".
6. For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.

Foster Adult – A member of the household (but not the family) who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgement decree, or other order of any court of competent jurisdiction.

Foster Child – a member of the household (but not the family) who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree or other order of any court of competent jurisdiction.

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

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. 24 CFR § 5.A

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.

Health and Medical Care Expenses – Any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

Home you Could Live in – a home you have the right to sell, that is not owned jointly with a person who is not a member of the applicant/tenant/voucher holder family, that is not unsuitable for the disabilities of any family member, that is not in such substandard condition that it is uninhabitable, or that is not located in a place that is too distant to make commuting to work infeasible.

Immediate Family Member – for purposes of interpreting the Violence Against Women Act, a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

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)

Independent Contractor – An individual who qualifies as an independent contractor instead of an employee in accordance with the IRS Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work, and not what will be done and how it will be done.

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 physical or mental impairment that:

1. substantially limits one or more major life activities.
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

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.

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.

The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism because these are not disabilities. 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 designated for people with disabilities or to receive a disability-related income deduction a person must meet the program definition of “Person with Disabilities” found in this section.

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. This is usually accomplished through school or medical records.

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 PHA 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

Local Preferences: *Insert local preferences here, if applicable.*

Lower-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)

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 10% of Annual Income. 24 CFR § 5.603

Minor – A member of the family, other than the head or spouse, who is under 18 years of age.

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 based upon the percentage of family members who are ineligible immigrants. 24 CFR § 5.504

Mixed Population Project - means a Public Housing project for elderly and disabled families. The PHA is not required to designate this type of project.

Multifamily Housing Project - For purposes of Section 504, means a project containing five or more dwelling units. 24 CFR § 8.3

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, or birth in a foreign country to a parent who is a U.S. citizen. 24 CFR § 5.504

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

Near-elderly Person - means a person who is at least 50 years of age but less than age 62, who may be a person with a disability 42 USC 1437a(b)(3)

Net Family Assets – The net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds and other forms of capital investment. 24 CFR § 5.603

In determining net family assets PHAs must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit an owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

Excluded from the calculation of net family assets are:

- The value of necessary items of personal property
- The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which will be adjusted by HUD in accordance with the Consumer Price Index)
- The value any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements, employer retirement plans (pensions), and retirement plans for self-employed individuals.
- The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability.
- The value of any Coverdell education savings account under Section 530 of the IRS code, the value of any qualified tuition program under Section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account under Section 629A of such Code, and the value of any “baby bond account created, authorized or funded by Federal, State or local government.

- Interests in Indian trust land
- Equity in a manufactured home where the family receives assistance under the Housing Choice Voucher program.
- Family Self Sufficiency accounts.
- Federal tax refunds or refundable tax credits for a period of 12 months after the receipt by the family (deducted from total value of assets).
- An irrevocable trust.
- Items listed in the Federally Mandated Income Exclusions

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 (the pizza delivery guy) is not “under the resident’s control”. 24CFR § 5.

Person with Disabilities - 42 USC 1437a(b)(3) means a person who —Has a disability as defined in Section 223 of the Social Security Act 42 USC 42; or, 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,
- 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)

This is the definition that is used for eligibility and granting deductions for rent.

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. 24 CFR § 945.105

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 PHA can demonstrate would result in a fundamental alteration in its nature.

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 PHA. 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 safety in the absence of necessary supportive services may be "qualified" for occupancy in a project where such supportive services are provided by the PHA as a part of the assisted program. The person may not be 'qualified' for a project lacking such services. 24 CFR § 8.3

Real Property – as used in this part has the same meaning as that provided under the law of the State in which the property is located. 24 CFR § 5.100

Refusal of Housing – An applicant's choice not to accept a PHA offer of housing without good cause.

Rejection for Housing – PHA's determination not to accept an applicant either because of ineligibility or failing applicant screening.

Seasonal Worker – an individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

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.

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.

Spouse - Spouse means the husband or wife of the head of the household.

Stalking – for purposes of interpreting the Violence Against Women Act, to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or to place under surveillance with the intent to kill, injure, harass or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Technological Abuse – The terms ‘technological abuse’ means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices or communication technologies, or any other emerging technologies.

Tenant Rent - The amount payable monthly by the Family as rent to PHA. If all utilities (except telephone) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. If some or all utilities (except telephone) and other essential housing services are not supplied by the PHA 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.

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

Unearned Income – means any annual income, as calculated under § 5.609 that is not earned income.

Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to ensure 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).

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

Utility Allowance - At properties with tenant-paid utilities, this is a dollar amount established in accordance with HUD regulations (24 CFR § 965) for utilities paid directly to the utility supplier by residents. It is adequate to include reasonable consumption for major equipment such as heat, water heating and appliances, but does not include air conditioning in family developments. The amount of the utility allowance is subtracted from each resident's Total Tenant Payment to determine Tenant Rent.

Utility Reimbursement – At properties with tenant-paid utilities, amounts paid to families or utility providers when the families' Total Tenant Payment is less than the Utility Allowance for tenant-paid utilities. Families paying Flat rent do not receive Utility Allowances and, consequently, will never qualify for utility reimbursements.

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.

Visitor – A non-resident who has registered with the Manager and has permission to stay overnight in a PHA unit.

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.

Work Activities – As used in the HUD definitions at 24 CFR § 5.603 the term work activities means:

- Unsubsidized employment.
- Subsidized private sector employment.
- Subsidized public sector employment.
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available.
- On-the-job training.
- Job search and job readiness programs.
- Community service programs; Vocational educational training (< 12 months)

- Job skills training directly related to employment.
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency.
- Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence.
- The provision of childcare services to an individual who is participating in a community service program.