

ADMISSIONS AND CONTINUED
OCCUPANCY POLICY

2019

PUBLIC HOUSING PROGRAM

Portland Housing Authority
14 Baxter Boulevard
Portland, Maine 04101

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Chapter 1

PHA HISTORY

INTRODUCTION

The U.S. Housing Act of 1937 created the Low Rent Public Housing Program. Administration of the Public Housing Program and the functions and responsibilities of the Public Housing Authority (PHA) staff shall be in compliance with the Housing Authority's Personnel Policy, [any union agreements of the PHA] and this Admissions and Continued Occupancy Policy (ACOP). The administration of this Housing Authority's housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable Federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts V, VII and IX, (Code of Federal Regulations).

A. HISTORICAL INFORMATION ON THE AGENCY

- 1943 - Legislature passed Section 1, Chapter 260 of the Public Laws of 1943 creating local Public Housing Authorities.
- 1943 - September 20, 1943; the Portland City Council establishes the Portland Housing Authority pursuant to Section 1, Chapter 260, of the Public Laws of 1943.
- 1943 - Sagamore Village opens as a war housing project administered by the Portland Housing Authority.
- 1949 - "An Act to Create Public Bodies Known as Housing Authorities" is passed by the Ninety-Fourth Legislature
- 1949 - Portland City Council rejects public housing (7-2).
- 1950 - Neal W. Allen, Chairman of the Portland Planning Board reports to the City Council on its recommendations for Housing and Urban Renewal initiatives on June 5, 1950.
- 1950 - City Council accepts plan for redevelopment, which clears the way for Sagamore Village to operate as a low-income project.
- 1953 - City Council and the Portland Housing Authority enter into a "Cooperation Agreement" allowing the PHA to take control of Sagamore Village from the Federal Government.
- 1959 - Redevelopment of Bayside Park area; renewing calls for new public housing projects.
- 1961 - Portland voters approve Portland Housing Authority plan to build 70 units of public housing in Bayside Park.
- 1963 - Construction of 46 units begins.
- 1964 - Bayside Park project is named Kennedy Park after the late President.
- 1965 - Kennedy Park is completed; Bayside Terrace project (24 units) begins. Franklin Towers project receives approval from the Federal Housing Authority.
- 1966 - Bayside Terrace completed.
- 1967 - Franklin Towers project begins construction.

- 1969 - Northern New England's tallest dwelling structure accepts its first resident on September 2, 1969.
- 1971 - Harbor Terrace, Front Street, and Dermott Court projects are added to the Portland Housing Authority's housing stock.
- 1972 - Bayside East and Riverton Park are added to the Portland Housing Authority's rent rolls.
- 1973 - Washington Gardens completed. Portland Housing Authority public housing expansion ends.
- 1975 - Portland Housing Authority awards its first Section 8 Certificate beginning the Leased Housing Program.
- 1979 - Portland Housing Corporation is formed; \$6,895,000 in bonds sold and proceeds loaned to a private developer for Congress Square Plaza project.
- 1980 - Sagamore Village gets \$1.7 million in modernization funds.
- 1983 - Portland Housing Development Corporation is founded.
- 1984 - Portland Housing Development Corporation makes first grant of aid to the American Red Cross Shelter Fund.
- 1985 - Portland Housing Development Corporation makes first loan to a community organization for the development of new subsidized housing units.
- 1986 - Portland Housing Development Corporation funds the "Serenity House" and the "City Hospital" projects.
- 1987 - Kennedy Park, Bayside East, and Bayside Terrace receive modernization funds (\$3.3 million); Front Street receives \$1.2 million in modernization funds.
- 1988 - Portland Housing Development Corporation awards Cumberland County Affordable Housing Venture a \$50,000 grant.
- 1988 - Portland Housing Development Corporation establishes the Public Housing Scholarship Fund for project youth enrolled in a post-secondary school.
- 1988 - Riverton Park receives modernization funds in the amount of \$562,000.00.
- 1988 - Portland Housing Authority grants funding to Community Leadership Initiatives of Maine (CLIME) to institute substance abuse education in its family developments (Peer Leader Program).
- 1989 - Portland Housing Development Corporation loans Portland West \$31,000 for the Transitional Housing Program located at Bell Street, with social services provided by the City of Portland.
- 1989 - Portland Housing Authority moves its administrative offices to 14 Baxter Boulevard.
- 1989 - CLIME becomes part of the Peoples Regional Opportunity Program (PROP), which now administers the Peer Leader Program. Additional funding is granted.

- 1989 - Riverton Park receives second phase of modernization funding in the amount of \$1,542,000.
- 1989 - Portland Housing Authority implemented "Project Bootstrap" in coordination with the City of Portland to assist low-income families in becoming self-sufficient.
- 1990 - Portland Housing Development Corporation loans \$23,000 to Youth Alternatives of Southern Maine.
- 1990 - Portland Housing Development Corporation hires York-Cumberland Housing Development Corporation to perform assessment of needs for the East Bayside Neighborhood in conjunction with the City of Portland's application to create a Housing Opportunity Zone in the neighborhood.
- 1990 - Riverton Park receives Phase III modernization funding in the amount of \$1,125,000. Funds also obligated to replace roofs at Franklin Towers and Harbor Terrace.
- 1990 - Portland Housing Authority awarded grant in the amount of \$231,000 from the Department of Housing and Urban Development's Public Housing Drug Elimination Program.
- 1990 - Portland Housing Authority, in conjunction with PROP, opens Family Resource Center in the Front Street development.
- 1990 - Portland Housing Development Corporation loans PROP \$5,000 for their Brackett Street Project.
- 1991 - Portland Housing Development Corporation grants Cumberland County Affordable Housing Venture \$5,000.
- 1991 - Portland Housing Authority hires full-time Resident Initiatives Coordinator to assist residents of public housing become self-sufficient.
- 1991 - Riverton Park receives Phase IV modernization funding in the amount of \$1,381,000. Included in the funding is money for special projects in Franklin Towers and Sagamore Village and lead based paint testing for all of the Authority's family developments.
- 1991 - Portland Housing Authority awarded funds in the amount of \$250,000 from the Department of Housing and Urban Development's Public Housing Drug Elimination Program to be used for police foot patrols, contracting with the Portland Police Department for services.
- 1992 - Portland Housing Authority receives \$1,315,138 in modernization funding under HUD's new Comprehensive Grant Program. A majority of the funds are to be used in Washington Gardens.
- 1992 - Portland Housing Development Corporation grants \$25,000 to Habitat for Humanity to purchase land for a single-family home.
- 1992 - Portland Housing Authority awarded \$250,000 from Department of Housing and Urban Development's Public Housing Drug Elimination Program (PHDEP) to be used to continue the Peer Leader program and to provide recreational activities for youths of public housing.
- 1992 - Portland Housing Authority opens its first education center in Riverton Park.
- 1993 - Portland Housing Authority celebrates 50th anniversary.
- 1993 - Portland Housing Authority receives \$1,497,410 in comprehensive grant funding from the Department of Housing and Urban Development.

- 1994 - Portland Housing Authority receives an additional \$182,272 in comprehensive grant funding.
- 1994 - Portland Housing Authority creates the Division of Resident Services, which includes social work, Family Self-Sufficiency, resident initiatives, education centers, community policing, and drug elimination activities.
- 1994 - Portland Housing Authority receives \$250,000 from the Department of Housing and Urban Development's Drug Elimination Program.
- 1994 - Portland Housing Authority opens education centers in Sagamore Village, Kennedy Park, and Front Street.
- 1994 - Portland Housing Authority receives \$1,847,507 from HUD's comprehensive grant program.
- 1995 - Portland Housing Authority receives \$1,717,664 from HUD's comprehensive grant program.
- 1995 - Portland Housing Authority awarded a grant in the amount of \$1,000,000 from the Department of Housing and Urban Development to develop a Family Investment Center.
- 1995 - Portland Housing Authority establishes a working agreement with the Southern Maine Area Agency on Aging to provide service coordination in our elderly/disabled developments.
- 1995 - Recognized by the National Association of Housing and Redevelopment Officials (NAHRO) with a National Award of Excellence for the Sagamore Village Health Resource Center.
- 1995 - Portland Housing Authority awarded a grant from the Kellogg Foundation in the amount of \$50,000 for the Sagamore Village Health Resource Center and a small grant from Brighton Medical Center to establish a Women's Health Clinic.
- 1995 - Portland Housing Authority receives \$307,200 from the Department of Housing and Urban Development's Drug Elimination Program.
- 1995 - Portland Housing Authority receives funding in the amount of \$150,000 under the Elderly Services Grant.
- 1996 - Portland Housing Authority receives \$1,441,053 in comprehensive grant funding.
- 1997 - Family Investment Center opens its doors for business.
- 1997 - Portland Housing Authority receives \$303,900 from HUD's Drug Elimination Program.
- 1997 - Portland Housing Authority receives \$1,431,027 in comprehensive grant funding.
- 1997 - Portland Housing Authority applies for and is awarded funding under the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Grant).
- 1998 - Portland Housing Authority receives \$1,432,509 in comprehensive grant funding.
- 1998 - Portland Housing Authority receives renewal funding in the amount of \$80,262 under the Elderly Services Grant.
- 1998 - Portland Housing Authority receives \$303,900 from HUD's Drug Elimination Program.
- 2016 - Portland Housing Development Corporation's project, Bayside Anchor, completes its construction.

2019 - Portland Housing Authority is a successful applicant in the Rental Assistance Demonstration (RAD) Program. As a result, PHA will be converting its portfolio of public housing properties to Project Based Vouchers. RAD was designed by HUD to assist in addressing the capital needs of public housing by providing PHA with access to private sources of capital to repair and preserve its affordable housing assets.

B. PURPOSE OF THE POLICY

The purpose of this Admission and Continued Occupancy Policy (ACOP) is to establish guidelines for the Public Housing Authority (PHA) staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the PHA.

C. FAIR HOUSING POLICY

It is the policy of the Housing Authority to comply fully with all Federal, State, and local non-discrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The PHA will comply with all laws relating to Civil Rights, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The Housing Authority shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, sexual orientation, gender identity, or receipt of public assistance in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the Housing Authority's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof. Posters and housing information are displayed in locations throughout the Housing Authority's office in such a manner as to be easily readable from a wheelchair. To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session. The Housing Authority's office is accessible to persons with disabilities. The TDD/TDY telephone number provides accessibility for the hearing impaired.

The PHA shall not, on account of race, color, sex, religion, familial status, disability, national origin, marital status, sexual orientation, gender identity, or receipt of public assistance:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to his or her needs;
- Provide housing that is different from that provided to others;

- Subject a person to segregation or disparate treatment;
- Restrict a person’s access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission; or
- Deny a person access to the same level of services.

D. SERVICE AND ACCOMMODATIONS POLICY

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with the PHA, when the PHA initiates contact with a family, including when a family applies, and when the PHA schedules or reschedules appointments of any kind. It is the policy of this Housing Authority to be service-directed in the administration of our housing programs and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction. The Housing Authority’s policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on PHA forms and letters to all families, and all requests will be verified so that the Housing Authority can properly accommodate the need presented by the disability.

1. Federal Americans with Disabilities Act of 1990

With respect to an individual, the term “disability,” as defined by the 1990 Act means:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or
- Being regarded as having such impairment.

2. Maine Human Rights Act

Maine Human Rights Act definition:

Physical or mental disability, defined.

1. “Physical or mental disability” means:
 - a. A physical or mental impairment that:
 - i. Substantially limits one or more of a person’s major life activities;
 - ii. Significantly impairs physical or mental health; or
 - iii. Requires special education, vocational rehabilitation or related services;
 - b. Without regard to severity unless otherwise indicated: absent, artificial or replacement limbs, hands, feet or vital organs; alcoholism; amyotrophic lateral sclerosis; bipolar disorder; blindness or abnormal vision loss; cancer; cerebral palsy; chronic obstructive pulmonary disease; Crohn’s disease; cystic fibrosis; deafness or abnormal hearing loss; diabetes; substantial disfigurement; epilepsy; hearth disease; HIV or AIDS; kidney or renal diseases; lupus; major depressive disorder; mastectomy; mental retardation; multiple sclerosis; muscular dystrophy; paralysis; Parkinson’s disease; pervasive developmental disorders; rheumatoid arthritis; schizophrenia; and acquired brain injury;
 - c. With respect to an individual, having a record of any of the conditions in paragraph A or B; or
 - d. With respect to an individual, being regarded as having or likely to develop any of the conditions in paragraph A or B.
2. Additional terms. For purposes of this section:

- a. The existence of a physical or mental disability is determined without regard to the ameliorative effects of mitigating measures such as medication, auxiliary aids or prosthetic devices; and
 - b. “Significantly impairs physical or mental health” means having an actual or expected duration of more than 6 months and impairing health to a significant extent as compared to what is ordinarily experienced in the general population.
3. Exceptions. “Physical or mental disability” does not include:
- a. Pedophilia, exhibitionism, voyeurism, sexual behavior disorders, compulsive gambling, kleptomania, pyromania or tobacco smoking;
 - b. Any condition covered under section 4553, subsection 9-C; or
 - c. Psychoactive substance use disorders resulting from current illegal use of drugs, although this may not be construed to exclude an individual who:
 - i. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs or has otherwise been rehabilitated successfully and is no longer engaging in such use;
 - ii. Is participating in a supervised rehabilitation program and is no longer engaging in such use;
 - iii. Is erroneously regarded as engaging in such use, but is not engaging in such use; or
 - iv. In the context of a reasonable accommodation in employment, is seeking treatment or has successfully completed treatment.

3. Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an “undue financial and administrative burden” for the PHA, meaning an action requiring “significant difficulty or expense.”

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

- the nature and cost of the accommodation needed;
- the overall financial resources of the facilities involved in the provision of the reasonable accommodation; and
- the number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses/resources, or the likely impact on the operation of the facility as a result of the accommodation.

4. Verification of a Request for Accommodation

All requests for accommodation or modification of a unit may be verified with a reliable, knowledgeable professional.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

5. Reasonable Accommodation

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Portland Housing Authority’s housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Portland Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Portland Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

6.1. Communication

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

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

6.2. Questions to Ask in Granting the Accommodation

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

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment. (The disability may not be apparent to others, i.e., a heart condition).

The Maine Human Rights Act definition used for this purpose is:

Please refer to Maine Human Rights Act definition on page 6 and 7.

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

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

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

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

6.3. Recertification by Mail

When a face to face interview is necessary, the PHA may permit the family to submit annual and interim recertification forms through the mail when the PHA has determined that the request is necessary as a reasonable accommodation.

If there is more than one adult member in the household, but only one is disabled, recertification will not be processed through the mail. In such cases, the able adult family members will be required to come in for the appointment but will be allowed to take the necessary forms home to the member with a disability for completion and signature.

6.4. Home Visits

When requested and where the need for reasonable accommodation has been established, the PHA will conduct home visits to residents to conduct annual and interim recertifications.

The Housing Authority will not consider a home visit recertification, which is requested after the scheduled appointment, has been missed.

6.5. Other Accommodations

The Housing Authority utilizes organizations, which provide assistance for hearing and sight-impaired persons when needed. A list of available units will be provided upon request.

The Housing Authority will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

7. Unlawful Harassment Policy

The Portland Housing Authority is committed in all program areas to providing an environment that is free from harassment. Harassment based upon an individual's race, color, sex, sexual orientation (which includes gender identity and gender expression), physical or mental disability, religion, age, ancestry, national origin, familial status, and receipt of public assistance will not be tolerated. Creating a hostile environment based on a protected class is unlawful and a violation of the lease or rental agreement. If the applicant or resident feels that he or she has been subject to unlawful harassment based on his or her race, color, sex, sexual orientation (which includes gender identity and gender expression), physical or mental disability, religion, age, ancestry, national origin, familial status, or any other legally protected characteristic he or she should immediately report the matter to the Property Manager. If that person is not available, or if the complainant believes it would be unproductive to inform that person, he or she should immediately contact the Property Manager, Director of Public Housing, or the PHA Executive Department. Once the matter has been reported it will be promptly investigated and any necessary corrective action will be taken where appropriate. All complaints of unlawful harassment will be handled in as discreet and confidential a manner as is possible under the circumstances. Retaliation against someone for opposing or reporting harassment or for assisting another in doing is strictly prohibited. The Portland Housing Authority will assist any individual or family that believes they have experienced unlawful housing harassment by providing copies of the unlawful housing harassment complaint form. The Portland Housing Authority will also assist them in completing the form, if requested. The procedure for reporting incidents of unlawful housing harassment is not intended to impair, replace, or limit the right of any applicant or resident to seek a remedy under available state or federal law.

E. TRANSLATIONS OF DOCUMENTS

The Housing Authority, with a reasonable notice, will provide translators for non-English speaking clients.

In determining whether it is feasible to translate documents into other languages, the PHA will consider the following factors:

- Critically important documents in the targeted languages may be translated upon request. The targeted languages currently are Spanish, African Languages and French. A yearly analysis will be conducted each year to determine the targeted languages.
- If a resident or applicant requests a document be translated, critically important documents will be translated in the targeted languages. Critically important documents include but are not limited to: 1) Application 2) Lease Agreement 3) Annual Recertification Form.
- If a targeted language of the city of Portland reaches 5% or more of the languages spoken, PHA will have the critically important documents translated without a request from the client necessary.
- A local vendor will be used when vital documents need to be translated.

F. PUBLIC HOUSING MANAGEMENT ASSESSMENT OBJECTIVES (24 CFR 901 & 902)

The Housing Authority operates its Public Housing Program with efficiency and can demonstrate to HUD or independent auditors that the Housing Authority is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902 final published regulations.

The Housing Authority is continuously assessing its program and consistently strives to make improvements. The Housing Authority acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The Housing Authority intends to diligently manage its current program operations and continuously make efforts to be in full compliance with Housing Authorities. The policies and procedures of this program are established so that the standards set forth by Housing Authorities are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

G. FAMILY OUTREACH

The Housing Authority will publicize and disseminate information to make known the availability of housing units and housing related services for very low-income families on a regular basis. When the Housing Authority's waiting list is open, the Housing Authority will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation and by other suitable means.

To reach people who cannot read the newspaper; the PHA will distribute fact sheets to the broadcast media and initiate personal contacts with members of the news media and community service personnel. The Housing Authority will also utilize public service announcements.

The Housing Authority will communicate the status of housing availability to other service providers in the community. The Housing Authority will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

The Housing Authority may send notices to participating local social service providers such as:

ASPIRE (DHS)	Boy Scouts (Pine Tree Council)	East End Children's Workshop
PROP/PROP Headstart	Women Work & Community	Community Dispute Resolution
Portland Adult Education	Women In Trades & Technology	Community Counseling Center
YMCA	Refugee Resettlement Program	East End Kids Katering
City Public Health	Training Resource Center	Multilingual Office, Portland School Dept.
Well Suited	A Place for Girls	Preble Street Resource Center

H. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the form HUD-9886, "Authorization for Release of Information and Privacy Act Notice." This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The Housing Authority's policy regarding release of information is in accordance with State and local laws, which may restrict the release of family information.

Any and all information, which would lead one to determine the nature and/or severity of a person's disability, must be kept in a separate folder and marked "confidential." The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. Executive Director or designee must approve all requests for access and granting of accommodations based on this information.

The Housing Authority's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff.

PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

I. EQUAL OPPORTUNITY FOR ALL

Position vacancies are advertised in Portland newspapers. The Housing Authority's recruitment practices will apply aggressive outreach to community-based racial and ethnic groups (NAACP, Cambodian Council, and Refugee Resettlement) so that the composition and culture of the staff reflects the composition and culture of the community, to the extent possible. All Housing Authority job postings will display the affirmative action/equal employment opportunity logo and slogan prominently.

The Housing Authority takes seriously any complaints of discrimination with regard to race, religion, ethnicity, sex, disability or familial status, marital status or sexual orientation.

J. POSTING OF REQUIRED INFORMATION

The Housing Authority will make available:

- Statement of policies and procedures governing Admission and Continued Occupancy Policy (ACOP);
- Open Occupancy Notice (Status of application taking);
- Directory of the Housing Authority's housing sites including names, address of offices, number of units by bedroom size, accessible or adaptable units, and office hours at each facility;
- Income Limits for Admission;
- Current schedule of routine maintenance charges;
- A copy of the lease;
- The Housing Authority's grievance procedures;
- A Fair Housing poster;
- An Equal Opportunity in Employment poster;
- Current Resident Notices;
- Security Deposit Charges;
- Rent Ranges; and
- The availability of any Federal, ranking or local preferences.

K. TERMINOLOGY

The Portland Housing Authority is referred to as "HA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident," "Tenant," or "Participant" and can refer to a single-person family.

"Tenant" is used to refer to 'participants' and 'tenant' in terms of their relation as a lessee to the PHA as the landlord.

"Landlord" refers to the PHA.

"Disability" is used where "handicap" was formerly used.

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

Chapter 2

ELIGIBILITY FOR ADMISSION [24 CFR 960.201]

INTRODUCTION

This Chapter defines both HUD's and the Housing Authority's criteria for admission and denial of admission to the program. The policy of this Housing Authority is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The Housing Authority staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the Housing Authority pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

It is the Housing Authority's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

- is a family as defined in this Chapter;
- heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 200 and Part 5, Subpart E);
- has an annual income at the time of admission that does not exceed the income limits for occupancy established by HUD and posted separately in the Housing Authority offices;
- the Quality Housing and Work Responsibility Act of 1998 authorizes Housing Authorities to admit families whose income does not exceed the low-income limit (80% of median area income) once the PHA has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income);
- provides a Social Security number for all family members or will provide written certification that they do not have Social Security numbers;
- meets or exceed the Tenant Selection and Suitability Criteria as set forth in this policy.

Timing for the Verification of Qualifying Factors

The qualifying factors of suitability/eligibility will not be verified until the family is in a position on the waiting list to be offered a housing unit.

B. FAMILY COMPOSITION

The definition of "elderly family" and "disabled family" is set by HUD regulations, but HUD permits the PHA discretion to define what groups of persons constitute a non-elderly family.

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons. (See Chapter 5, Occupancy Guidelines.)

A group of persons is defined by the Housing Authority as two (2) or more persons who intend to share residency whose income and resources are available to meet the family's needs, and will live together in Housing Authority housing. HUD in CFR 5.403 defines elderly, disabled, and displaced families. The term "Family" also includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

Sexual Orientation means homosexuality, heterosexuality or bisexuality.

Gender Identity means actual or perceived gender-related characteristics.

A group of persons living together, can verify shared income or resources and whose family head or spouse is legally responsible for the care and maintenance of dependent child(ren); (a child who is temporarily away from home because of placement in care is considered a member of the family. This provision only pertains to the child's temporary absence from the home and is not intended to artificially enlarge the space available for other family members).

Elderly Family

One (1) or more persons living together where the head of household is age 62 or over.

Near Elderly Family

One (1) or more persons living together where the Head of Household is between the ages of 50 – 61 for the purpose of residing in a designated “elderly development”.

Disabled Family

One (1) or more persons living together where the head of household is a disabled person as defined under Section 223 of the Social Security Act and/or Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 USC 6001 (7)].

Single Person Family

A single person or a person who lives alone or intends to live alone and who does not qualify as an elderly person, disabled person or remaining member of a tenant family.

Occupancy by Police Officers

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

Police officers will not be required to be income eligible to qualify for admission to the Housing Authority's Public Housing Program.

Head of Household

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

Emancipated minors who qualify under State law will be recognized as Head of Household if there is a court order recognizing them as an emancipated minor.

Spouse of Head of Household

Spouse means the husband or wife of the head.

The definition of spouse is: the marriage partner whom, in order to dissolve the relationship, and would have to be divorced. It includes the partner in a common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-head of Household

An individual in the household who is equally responsible for the Lease with the head of household.

Live-In Aides

A family may include a live-in aide provided that such live-in aide:

- is determined by the Housing Authority to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- is not obligated for the support of the person(s), and
- would not be living in the unit except to provide care for the person(s).
- a live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:
- income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- live-in aides are not subject to Non-Citizen Rule requirements.
- live-in aides may not be considered as a remaining member of the tenant family.
- relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.
- family members of a live-in aide may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit.
- a live-in aide may only reside in the unit with the approval of the Housing Authority. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly or disabled.
- verification of the need for a live-in aide must include the hours the care will be provided and the type of care needed.

The Housing Authority has the right to disapprove a request for a live-in aide based on the “Other Eligibility Criteria”, which are Criminal Background Checks as described in this Chapter.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Families are required to provide verification of Social Security numbers for all family members. This requirement also applies to persons joining the family after admission to the program. Failure to furnish verification of Social Security numbers is grounds for denial of admission or termination of tenancy.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In October 1998 Congress passed the Quality Housing and Work Responsibility Act of 1998. As a result, Housing Authorities must immediately begin to apply the provisions of section 214 of the HCDA of 1980.

In order to receive assistance, a family member must be an U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one (1) of the six (6) immigrant categories as specified by HUD.

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

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

Non-Eligible Members

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

Non-Citizen Students

Defined by HUD in the non-citizen regulations are not eligible for assistance.

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

Recently HUD published in the Federal Register a Final Rule making citizens of Freely Associated States eligible for both Public Housing and Section 8. " Or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam."

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the Lease as summarized below.

1. All applicants must demonstrate through an assessment of current and past behavior the ability:

- to pay rent and other charges as required by the Lease in a timely manner;
- to care for and avoid damaging the unit and common areas;
- to use facilities, appliances and equipment in a reasonable way;
- to create no health or safety hazards, and to report maintenance needs in a timely manner;
- not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
- not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off the PHA premises;
- not to have ever been convicted of manufacturing or producing Methamphetamine, also known as "speed;"
- to comply with necessary and reasonable rules and program requirements of HUD and the PHA; and
- to comply with local health and safety codes.

- to comply with PHA’s Smoke-Free Housing Policy as detailed in Attachment 9.

2. Denial of Admission for Previous Debts to This or Any Other PHA

The Portland Housing Authority may require that previous outstanding debts to this PHA or any other PHA resulting from a previous tenancy in the Public Housing or Section 8 Program be paid in full prior to admission.

Either spouse is responsible for the entire debt incurred as a previous PHA tenant. Children of the head or spouse who had incurred a debt to the PHA will not be held responsible for the parent's previous debt.

F. BACKGROUND SCREENING POLICY

Denial of Admission for Drug-Related and/or Other Criminal Activity

Notice PIH 96-27 describes the screening Lease and eviction provisions Housing Authorities must adopt as a result of the “Housing Opportunity Program Extension Act of 1996.” In addition, the QHWRA imposes a new mandatory requirement for Housing Authorities to permanently deny admission to any person convicted of manufacturing or producing Methamphetamine, commonly known as “speed.”

Purpose

All Federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the Portland Housing Authority to fully endorse and implement a policy, which is designed to:

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

Administration

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, sex, religion, familial status, disability, national origin, marital status, sexual orientation, gender identity, or receipt of public assistance, and not to violate right to privacy.

To the maximum extent possible, the Housing Authority will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted on the Housing Authority's bulletin board and copies made readily available to applicants and tenants upon request.

HUD Definitions

Drug-Related Criminal Activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug-Related Criminal Activity means *on or off the premises, not just on or near the premises*.

Criminal Activity includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the PHA.

Screening for “One Strike”

In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, the Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible.

If in the past the Housing Authority initiated a Lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice, for a family, as a prior resident of public housing, the Housing Authority shall have the discretion to consider all circumstances of the case regarding the extent of participation by non-involved family members.

Law Enforcement Records

HUD PIH Notice 98-20 advises Housing Authorities of the process for obtaining FBI criminal history record information for the purpose of applicant screening, Lease enforcement and eviction. This notice applies to applicants and residents of public housing only.

The Housing Authority will check criminal history for all applicants to determine whether any member of the family has engaged in violent or drug-related criminal activity.

Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

The Housing Authority will do a name check only through its local law enforcement agency to access limited information from the NCIC.

If the local law enforcement agency indicates to the Housing Authority that there is a criminal history record indexed in the Interstate Identification Index, which might belong to the applicant, the Housing Authority must submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

Standard for Violation

Persons evicted from Public Housing, Indian Housing, Section 23, or any Section 8 Program because of drug-related or violent criminal activity are ineligible for admission to Public Housing for a five (5)-year period beginning on the date of such eviction.

The Housing Authority will not waive this requirement.

No member of the applicant's family may have engaged in drug related or violent criminal activity within the past three (3) years.

The Housing Authority will permanently deny admission to public housing persons convicted of manufacturing or producing Methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. “Premises” is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The Housing Authority will deny participation in the program to applicants where the Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-

related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the Housing Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The Housing Authority will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous three (3) years.

Engaged in or engaging in or recent history of criminal activity means any act within the past three (3) years by applicants or tenants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, which did or did not result in the arrest and/or conviction of the applicant or tenant, household members, or guests. If an applicant, tenant, household member or guest(s) are arrested for criminal activity, it will not automatically be regarded as a disqualifying criminal activity. The arrest will trigger an investigation to determine whether the person actually engaged in the activity. As part of its investigation, PHA may obtain a police report associated with the arrest, consider statements made by witnesses not included in the police report, determine whether criminal charges were filed, and determine, if filed, whether the criminal charges were abandoned, dismissed, not prosecuted, resulted in an acquittal, or a conviction. In the case of an applicant, PHA may ask them to obtain a police report in regards to the activity. PHA does not have to wait until the arrest disposition has been made in order to determine an applicant's eligibility for housing in regards to criminal activity that threatens the health, safety or right to peaceful enjoyment.

The HA will evaluate past actions or behaviors under its discretionary policies for denial of assistance to applicants and termination of assistance for tenants. For applicants any history of such actions or behaviors cannot have occurred within the past three (3) years. All obligations to the Criminal Justice system and/or Department of Corrections must be completed prior to the three (3) years limitation. Such obligations include but are not limited to any time period attributed to or for parole, probation, house arrest, or other semi-incarcerated state. For tenants such actions or behaviors cannot occur at any time during occupancy.

In evaluating evidence of negative past behavior, the Housing Authority will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

The Housing Authority may permit eligibility for occupancy and impose conditions that the involved family member(s) does not reside in the unit. The Housing Authority will consider evidence that the person is no longer in the household such as [divorce decree/incarceration/death/copy of a new Lease with the owner's telephone number and address/or other substantiating evidence].

Denial of Assistance for Sex Offenders

The PHA will deny admission if any member of the household is subject to a lifetime registration requirement under any State Sex Offender Registration Program. In screening applicants, the PHA will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration or has committed any of the below listed sexual crimes subject to sex offender lifetime ineligibility for PHA administered HUD Housing programs.

SEX OFFENDER CRIMES

- Sexual Exploitation of a Minor (T.17 MRSA 2922)
- Gross Sexual Assault (17-A MRSA 253 (2) (E), 253 (2)(F), 253 (2)(G), 253 (2)(H), 253 (2)(I), 253 (2)(J)
- Sexual Abuse of Minors (17-A MRSA 254)

- Unlawful Sexual Contact (17-A MRSA 255 (1) (A), 255 (1) (E), 255 (1) (F), 255 (1) (G), 255 (1) (J))
- Visual Sexual Aggression Against a Child (17-A MRSA 256)
- Sexual Misconduct with a Child under 14 Years (17-A MRSA 258)

Other Criminal Activity

Other Criminal Activity means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents.

For the purposes of this policy, this is construed to mean that a member of the current family has been arrested for any criminal or drug-related criminal activity within the past three (3) years.

HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and any family member is engaging in the activity.

No family member may have engaged in or threatened abusive/violent behavior toward Housing Authority personnel at any time.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program in the last five (5) years.

Evidence

Preponderance of Evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence is not to be determined by the number of witnesses, but by the greater weight of all evidence.

Credible Evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by PHA inspectors and/or investigators, and evidence gathered from the Housing Authority.

The Housing Authority may pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

The Housing Authority will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed for screening for criminal behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

If the family is determined eligible for initial or continued assistance, the Housing Authority's copy of the criminal report shall be destroyed as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be destroyed immediately upon completion of the review or hearing procedures and a final decision has been made.

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

Confidentiality of Information for Certification under Section 606 of Violence Against Women Act (VAWA) of 2013

Information provided by the victim pursuant to the certification of domestic violence, dating violence, sexual assault or stalking under Section 606 of VAWA of 2013 shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the disclosure is consented by the individual in writing, required for use in a denial of admissions or eviction or otherwise as required by law. (See Ch. 12 for certification requirements.)

Disclosure of Criminal Records to Family

Before the Housing Authority takes any adverse action based on a criminal conviction record, the applicant will be provided with a written statement from the Portland Police Department representative authorized to perform background checks for the Housing Authority. This representative will certify to the Criminal Records found and used for Housing Authority determination of eligibility. Applicants will be provided an opportunity to dispute the records at an Informal Hearing. Tenants may contest such records at the court in the case of evictions.

Cooperating with Law Enforcement Agencies

The Portland Housing Authority will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. The Portland Housing Authority will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

- The law enforcement agency shall notify Portland Housing Authority that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
- The location or apprehension of the recipient is within the Portland Housing Authority's official duties; and,
- The request is made in the proper exercise of the law enforcement agency's official duties.

Hearings

(See Chapter titled "Complaints, Grievances and Appeals")

If information is revealed that would cause the Housing Authority to deny admission to the household and the person disputes the information, s/he shall have a chance to bring documentation that s/he feels may overturn the decision of denial to the Director of Public Housing. If after review the denial is upheld, s/he shall be given an opportunity for an Informal Hearing according to the Housing Authority's hearing procedures outlined in Chapter 13 on Complaints, Grievances and Appeals.

G. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205, Section 606 VAWA of 2013]

In developing its admission policies, the aim of the Housing Authority is to attain a tenant body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and

families with serious social problems. Therefore, it is the policy of the Housing Authority to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood or on the quality of life for its residents.

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

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

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the Lease, either alone or with assistance, which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.2 Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by the Housing Authority.

The Housing Authority's minimum age for admission as head of household is 18, to avoid entering into Leases which would not be valid or enforceable under applicable law. Emancipated minors 17 years and older will be recognized as eligible for admission as head of household.

The Housing Authority does not permit a parent or legal guardian to co-sign the Lease on the applicant's behalf if the head of household is under 18.

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

The Housing Authority will complete a rental history check on all applicants.

The Housing Authority shall rely upon sources of information which may include, but not be limited to, Housing Authority records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or the police department, and home visits.

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

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy, and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

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

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

Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.

Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.

Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.

Any history of initiating threats or behaving in a manner indicating intent to assault employees or other tenants.

Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

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

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

- interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24CFR 960.205(b)]
- adversely affects the physical environment or financial stability of the project. [24CFR 960.205(b)]
- violate the terms and conditions of the Lease. [24CFR 8.3].
- require services from PHA staff that would alter the fundamental nature of the Housing Authority's program. [24 CFR 8.3]

Rent Paying Habits

The Housing Authority will examine any Housing Authority records from a prior tenancy, and will request written references from the applicant's current landlord and may request written references from former landlords for up to the past three (3) years. If the Housing Authority mails and/or faxes a written reference two times and is unsuccessful at obtaining a reference, an oral reference over the phone or face to face with the landlord is an acceptable form of a landlord reference. If an oral reference is obtained, it will be documented in the file. If the Housing Authority is providing the landlord reference for the applicant who is a former resident, the Housing Authority shall only provide the dates of tenancy, the amount of rent, was applicant ever late with rent, was an eviction proceeding ever initiated, and whether the applicant was evicted from the Housing Authority.

Based upon these verifications, the Housing Authority will determine if the applicant was chronically late with rent payments, was evicted at any time during the past three (3) years for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Prior to admission, applicants must be able to demonstrate the ability and willingness to comply with the terms of PHA's lease, either alone or with assistance. Landlord references for the past three years play an important and primary role in when PHA screens for suitability. Criminal background checks also play an important role in determining suitability for tenancy. Without sufficient landlord references, PHA will rely to a greater degree on criminal background checks. Applicants with incidents and patterns of criminal activity will be determined ineligible for tenancy. Availability of assistance is subject to verification by PHA.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance; or had a poor rent paying history clearly related to an excessive rent relative to their income (using 50% of their gross income as a guide) and responsible efforts were made by the family to resolve the non-payment problem.

The lack of credit history will not disqualify a family.

Where past rent paying ability cannot be documented, the Housing Authority may check with the utility company(s) to determine whether the family has been current and timely on their payments.

Screening Applicants Who Claim Mitigating Circumstances

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history, credit history or behavior, which, when verified would indicate both:

- (1) the reason for the unsuitable rental history, credit history and/or behavior; and
- (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the Housing Authority's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the Housing Authority shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The Housing Authority shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

If an applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking it is not an appropriate basis for denial of admission of an otherwise qualified applicant. Any activity directly relating to domestic violence, dating violence, sexual assault or stalking shall not be cause for denial of admission to an entire household if the applicant or a member of the applicant household is the victim or threatened victim of that domestic violence, dating violence, sexual assault or stalking.

PHA may selectively deny admission to a member of the household who engages in or has engaged in the criminal acts as described above without penalizing the victim(s) of the domestic violence, dating violence, sexual assault or stalking. [VAWA of 2013]

Examples of Mitigating Circumstances

- evidence of successful rehabilitation; and
- evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The PHA will consider such circumstances in light of:

The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and

The applicant's overall performance with respect to all the screening requirements.

Qualified and Unqualified Applicants

Information, which has been verified by the Housing Authority, will be analyzed and a determination will be made with respect to:

- the eligibility of the applicant as a family;
- the eligibility of the applicant with respect to income limits for admission;

- the eligibility of the applicant with respect to citizenship or eligible immigration status;
- preference category (if any) to which the family is entitled.

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and Housing Authority procedures, except for a pending Housing Authority hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. The Housing Authority shall provide applicants an opportunity for an Informal Hearing (see Chapter titled "Complaints, Grievances, and Appeals.")

Applicants who have requested a Reasonable Accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

The Housing Authority will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the Housing Authority does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the Housing Authority, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of the Housing Authority shall document any pertinent information received relative to the following:

Criminal Activity - includes the activities listed in the definition of criminal activity in this Chapter.

Pattern of Violent Behavior - includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors.

Pattern of Drug Use - includes a determination by the Housing Authority that the applicant has exhibited a pattern of illegal use of a controlled substance, which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Drug Related Criminal Activity - includes a determination by the Housing Authority that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance.

Pattern of Alcohol Abuse - includes a determination by the Housing Authority that the applicant's pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

Initiating Threats - or behaving in a manner indicating intent to assault employees or other tenants.

Abandonment of a Public Housing Unit - without advising Housing Authority officials so that staff may secure the unit and protect its property from vandalism.

Non-Payment of Rightful Obligations - including rent and/or utilities and other charges owed to the Housing Authority or any other Housing Authority.

Intentionally Falsifying an Application for Leasing - including uttering or otherwise providing false information about family income and size, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.

Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior - consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility; which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

Grossly Unsanitary or Hazardous Housekeeping - includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls; or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.

Destruction of Property from previous rentals.

Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy - In the case of applicants for admission, the person's present living arrangements and a statement obtained from applicant's physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in aide will be considered in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors, which might indicate a reasonable probability of favorable future conduct or financial prospects.

Prohibited Criteria for Denial of Admission

Applicants will NOT be rejected because they:

- Have no income;
- Are not employed;
- Do not participate in a job-training program;
- Will not apply for various welfare or benefit programs;
- Have children;
- Have children born out of wedlock;
- Are on welfare;
- Are students and meet the definition of "Family" per PHA policy.

H. HEARINGS

If information is revealed that would cause the Housing Authority to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an Informal Hearing according to the Housing Authority's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

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

A. HOW TO APPLY

Families who wish to apply for any of the Housing Authority's programs must complete a written application form when application taking is open.

Persons with disabilities may call the Housing Authority to receive an application through the mail or make other arrangements to complete their initial application.

Applications will be mailed to interested families upon request.

Applications will be accepted at a central location for all waiting lists.

B. "INITIAL" APPLICATION PROCEDURES

The Housing Authority will utilize an application form (Application) when the wait for a unit opening appears to be at least 12 months. If the wait is anticipated to be less, the Housing Authority will complete a full application. The information is to be filled out by the applicant whenever possible. To provide specific accommodation to person with disabilities, a staff person may complete the information over the telephone. It may also be mailed to the applicant. Translators will be provided for non-English speaking applicants. The application process will involve two phases.

1. The first is the "Initial" Application for admission (referred to as an Initial Application). This first phase is to determine the family's eligibility for, and placement on, the waiting list. The Initial Application will be dated, time-stamped, and referred to the Housing Authority's office where tenant selection and assignment is processed.
2. The second phase is the "Final Determination of Eligibility for Admission" (referred as the Application). The application takes place when the family reaches the top of the waiting list. At this time the Housing Authority ensures that verification of all HUD and Housing Authority eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

The purpose of the Application is to permit the Housing Authority to preliminary assess family eligibility or ineligibility and to determine placement on the waiting list. The Application will contain questions designed to obtain the following information:

- Names of adult members and age of all members
- Sex and relationship of all members
- Street address and phone numbers
- Mailing address (If PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information related to qualification for preferences, if any
- Social Security Numbers
- Race/Ethnicity
- Arrests/Convictions for Drug-Related or Violent Criminal Activity
- Request for Specific Accommodation needed to fully utilize program and services
- Previous address
- Names and addresses of current and previous landlords
- Emergency contact person and address
- One or more persons living together where the head of household is age 62 or older
- Questions regarding previous participation in HUD Programs

Duplicate Applications, including Applications from a segment of an applicant household, will not be accepted.

Applications will not require interviews. Information on the Application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

Applicants are requested to inform the PHA in writing, within 30 days of changes in family composition, respond to requests from the PHA to update information on their application, or to determine their continued interest in assistance.

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. (See Chapter on Complaints, Grievances and Appeals.)

C. NOTIFICATION OF APPLICANT STATUS

If after a review of the Initial Application the family is determined to be preliminarily eligible, they will be notified in writing.

This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the Initial Application, the PHA will notify the family in writing, state the reason(s), and inform them of their right to an Informal Hearing. Persons with disabilities may request to have an advocate attend the Informal Hearing as an accommodation. See Chapter on “Complaints, Grievances and Appeals.”

D. COMPLETION OF A FULL APPLICATION

All preferences claimed on the Application or while the family is on the waiting list will be verified:

- after the family is selected from the waiting list, and prior to completing the full application; and
- whenever the family claims a preference.

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

Applicants on the waiting list who will be selected in the near future will be sent a letter (see Chapter on Tenant Selection and Assignment Plan). The letter will notify the applicant of an application interview and request the applicant to bring all documents, which verify all factors to be verified. Factors to be verified will be listed in the letter.

Applicants will be required to:

- complete a Personal Declaration Form prior to the full application interview;
- participate in a full application interview with a Housing Authority representative during which the applicant will be required to furnish complete and accurate information verbally as requested by the interviewer. The Housing Authority interviewer will complete the full application form with answers supplied by the applicant. The applicant will sign and certify that all information is complete and accurate.

Requirement to Attend Interview

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

If the head of household cannot attend the interview, the spouse may attend to complete the application and certify for the family. The head of household, however, will be required to attend an interview within 10 working days to review the information and to certify by signature that all of the information is complete and accurate.

If an applicant fails to appear for a pre-scheduled appointment, the Housing Authority will automatically schedule a second appointment. If the applicant misses the second appointment without prior approval, the application is denied.

If an applicant fails to appear for their interview without prior approval of the Housing Authority, their application will be denied unless they can provide acceptable documentation to the Housing Authority that an emergency prevented them from calling.

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

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

All adult members must sign form HUD-9886, "Release of Information," the declarations and consents related to citizenship/immigration status and any other documents required by the Housing Authority. Applicants will be required to sign specific verification forms for information, which is not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the Housing Authority.

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

If the Housing Authority determines at or after the interview that additional information or document(s) are needed, the Housing Authority will request the document(s) or information in writing. The family will be given ten (10) working days to supply the information.

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

E. PROCESSING APPLICATIONS

As families approach the top of the waiting list, the following items will be verified to determine qualification for admission to the Housing Authority's housing:

- Preference Verification
- Family composition and type (elderly/non elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Annual Income
- Social Security Numbers of all family members
- Information used in applicant screening
- Citizenship or Eligible Immigration Status
- Criminal History Report

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

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

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

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

Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN (Includes Preferences and Managing the Waiting List) [24 CFR 960.204]

INTRODUCTION

It is the Housing Authority's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide waiting list. Applicants will be listed in sequence based upon date and time the application is received, the size and type of unit they require, and factors of preference or priority. In filling an actual or expected vacancy, the Housing Authority will offer the dwelling unit to an applicant in the appropriate sequence. The Housing Authority will offer the unit until it is accepted. This Chapter describes the Housing Authority's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

Housing Authority's Objectives

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

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

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

By maintaining an accurate waiting list, the Housing Authority will be able to perform the activities, which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the Housing Authority's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.

A. MANAGEMENT OF THE WAITING LIST

The Housing Authority will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. The waiting list will be maintained in accordance with the following guidelines:

- the application will be a permanent file;
- all applicants in the pool will be maintained in order of preference;
- applications equal in preference will be maintained by date and time sequence; and
- all applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Waiting Lists

The Housing Authority, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

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

When the Housing Authority opens the waiting list, the Housing Authority will advertise through public notice in the Portland newspapers as to which applications are being accepted.

Notice will also be posted at:

NAACP
ASPIRE (DHS)
PROP Headstart
Portland Adult Education
East End Children’s Workshop
Multilingual Office of Portland Schools
Preble Street Resource Center
AIDS Project
Women in Trades & Technology
Refugee Resettlement Program
City of Portland Social Services
Southern Maine Area Agency on Aging
United Way
McAuley House

Pine Tree Legal
PROP
Community Health Services
Community Counseling Center
City Public Health
Training Resource Center (TRC)
Coastal Enterprises, Inc.
Employment Trust, Inc.
Women Work & Community
Elderly Steering Committee
Cambodian Council
USM Nurses
Family Crisis Center
Shalom House

The notice will contain:

- the dates, times, and the locations where families may apply;
- the programs for which applications will be taken;
- a brief description of the program;
- a statement that Section 8 participants must submit a separate application if they want to apply for Public Housing; and
- limitations, if any, on whom may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the Housing Authority address and telephone number, how to submit an application, information on eligibility requirements.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking is Suspended

The Housing Authority may suspend the acceptance of applications if there are enough local preference holders to fill anticipated openings for the next 12 months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, the Housing Authority will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 12 months. The Housing Authority will give at least three (3) days’ notice prior to closing the list. When the period for accepting applications is over, the Housing Authority will add the new applicants to the list by:

Separating the new applicants into groups based on preferences and unit size and ranking applicants within each group by date and time of application.

Unit size, local preferences priority, and date and time of application receipt.

The Housing Authority will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the Housing Authority will advise families of their responsibility to notify the Housing Authority when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the Housing Authority decides to open the waiting list, the Housing Authority will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements.

Even though there are enough applicants on the waiting list to fill the turnover within the next 12 months, if there are not enough applicants who claim a local preference, the Housing Authority may elect to accept applications from applicants who claim a local preference ONLY, and continue to keep the waiting list closed.

Limits on Who May Apply

When the waiting list is open, * depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, at times the Housing Authority may only accept applications from: * any family claiming local preferences.

If there are sufficient applications from elderly families, disabled families, and displaced singles, applications will not be accepted from Other Singles.

When the application is submitted to the Housing Authority, within 30 days of issuance;

It establishes the family's date and time of application for placement order on the waiting list.

Multiple Families in Same Household

When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children) they must apply as separate families. The two families may live together if a reasonable accommodation is approved because a reliable, knowledgeable professional deems it necessary for the families to live together.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of that household. 51% of the time is defined as 183 days of the year, which do not have to run consecutively.

When both parents are on the waiting list and both try to claim the child(ren) the parent whose address is listed in the school records will be allowed to claim the school-age child(ren) as a dependent.

B. WAITING LIST PREFERENCES

The Housing Authority must offer public comment before changing its preference system. However, all applicants must be notified of any changes so that they have an opportunity to claim any preferences for which they believe they are eligible.

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the Housing Authority's Selection Criteria as defined in this policy.

The Housing Authority's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further de-concentration of

poverty in public housing. When such matching is required or permitted by current law, the PHA will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the Housing Authority to verify their preference and, if verified, the Housing Authority will complete a full application for occupancy. Applicants must complete the application for occupancy and continue through the application processing and may not retain their place on the waiting list if they refuse to complete their processing when contacted by the Housing Authority. This includes providing and verifying a Social Security Number (SSN) for each family member. Applicants, who are unable to provide a SSN for each family member, will not be housed. They will have 90 days to provide the required information before they are removed from the waiting list.

Among applicants with equal preference status, date and time will organize the waiting list.

An applicant will not be granted any preference if any member of the family has been evicted from any Federally assisted housing during the past five (5) years.

If an applicant makes a false statement in order to qualify for a local preference, the Housing Authority will deny the preference and will deny admission to the program for the family.

Local Preferences

Public notice will follow the same guidelines as those used for amendments to the Dwelling Lease, and may also follow the guidelines for opening and closing the waiting list.

Local Preferences will be used to select among applicants on the waiting list. A public notice must be held before the PHA adopts any Local Preference.

The notice will be posted in all developments.

PHA uses the following local preference system:

- A. The following preference categories shall be used in developments built and designed for persons 62 years of age or older and family-designated developments:
 1. Applicants who apply after the family has been terminated from PHA's HCV program due to insufficient program funding; and
 2. Elderly Preference (head of household, co-head or spouse age 62 or older); and Disabled Preference (head of household, co-head or spouse age 18 or older); and
 3. Near elderly Preference (head of household, co-head or spouse ages 50 – 61); and
 4. Veteran Preference; and
 5. Homeless Preference; and
 6. Employment Preference; and
 7. Local Residency Preference; and
 8. All other eligible applicants.

Within any preference category, date and time of application shall process applicants.

Elderly Preference

An applicant qualifies for this preference if the head of household, co-head, or spouse of the applicant family is 62 years old or older.

Disability Preference

An applicant qualifies for this preference if the head of household, co-head, or spouse is a person with disabilities. A person who is under a disability is defined in Chapter 1, Section D, Service and Accommodation Policy.

Near Elderly Preference

An applicant qualifies for this preference if the head of household, co-head, or spouse of the applicant family is 50 to 61 years old.

Veteran Preference

This preference is for applicants who served or currently serve in the active U.S. military, naval or air service and who were discharged or released from such service under conditions other than dishonorable. A copy of form DD-214, Certificate of Release or Discharge from Active Duty, or other proof of eligibility, is necessary if claiming this preference.

Homeless Preference

An applicant qualifies for this preference if they are homeless at the time of final eligibility determination. In order to qualify for this preference, an applicant must be referred by a partnering homeless service organization within PHA's area of operation. A partnering homeless service organization could be, but is not limited to, Oxford St. Shelter, Preble Street shelters, and the City of Portland Family Shelter on Chestnut Street. The homeless service organization must provide documentation to prove that the applicant qualifies for this preference and will continue to provide supportive services once the applicant is housed.

PHA has a goal of housing 75 current residents that received the homeless preference at admission. PHA will do an evaluation every three months to determine the number of current residents that received this preference at admission. Once the number reaches 75 or more, PHA will stop calling in applicants off the wait list because of the homeless preference. However, if the applicant's other preferences would result in them being called off the wait list, PHA will still call them in despite the applicant having the homeless preference.

Employment Preference

An applicant qualifies for this preference if the head of household, co-head, spouse, or adult member of the household, who is not a full-time student, of the applicant family is employed. For the purpose of this preference, an applicant is considered employed if they work at least 10 hours per week. Applicants where the head and spouse, or sole member is age 62 or older, or is a person with disabilities will also be awarded this preference.

Local Residency Preference

Applicant households must have a permanent physical residence, work or will be working in the PHA's area of operation at the time of application to be eligible for this preference. The applicant must demonstrate that their household lives, works or will be working in the PHA's area of operation. PHA's area of operation as defined by Maine law includes, Portland, South Portland, Westbrook, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, Gray, North Yarmouth, Old Orchard Beach, Scarborough, Windham, and Yarmouth. Physical residence shall be defined as a domicile with a mailing address, other than a post office box, for which the applicant can produce one or more of the following: a lease or a purchase agreement, utility bills showing the claimed residence address, two pieces of first class mail addressed to a member of the applicant household at the claimed address, pay stubs, or a letter from the current or future employer.

Order of Selection

Applicants will be selected from the waiting list based on preference. Each preference will receive an allocation of points. If an applicant qualifies for more than one preference, the points for each preference are added together to determine the ranking on the waiting list. Among applicants with equal preference status, the waiting list ranking is

determined by date and time of receipt of the application. Applicants that do not qualify for any preferences will be placed on the waiting list based on time and date of application. Points will be assigned as follows:

Elderly (ages 62+) or Disabled Head of Household, Co-head or Spouse	25
Terminated from PHA's Housing Choice Voucher program due to insufficient funding	20
Local Residency Preference	10
Near Elderly (ages 50-61) Head of Household, Co-head or Spouse	7
Veteran Preference	7
Homeless Preference	5
Employment Preference	5
All other eligible applicants	0

C. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

At the time of application, an applicant's entitlement to a local preference may be made on the following basis:

An applicant's certification that they qualify for a preference will be accepted at the time of application without verification. When the family is selected from the wait list for the final determination of eligibility, the preference will be verified.

If at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

D. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS

Before applying its preference system, the Housing Authority will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, or units in housing designated for the elderly or disabled limit the admission to those families, whose characteristics match the characteristics and features of the vacant unit

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application. For example, the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool.

E. INCOME TARGETING

The Housing Authority will monitor its admissions to ensure that at least 40% of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the Housing Authority's jurisdiction.

Hereafter families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families."

Combining Low and Very Low-Income Family Admissions

Once the Housing Authority has met the 40% targeted income requirement for new admissions of extremely low-income families, the Housing Authority will fill the remaining 60% of its new admission units with both low and very low-income families.

F. DECONCENTRATION OF POVERTY AND INCOME-MIXING

The Housing Authority's admission policy is designed to provide for deconcentration of poverty and income mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Gross annual income is used for income limits at admission and for income-mixing purposes.

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

The Housing Authority will gather data and analyze, at least annually the tenant characteristics of its public housing stock, including information regarding tenant incomes, to assist in the Housing Authority's deconcentration efforts.

The Housing Authority will use the gathered tenant incomes information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the project for the purpose of assisting the Housing Authority in its deconcentration goals.

If the Housing Authority's annual review of tenant incomes indicates that there has been a significant change in the tenant income characteristics of a particular project, the Housing Authority will evaluate the changes to determine whether, based on the Housing Authority methodology of choice, the project needs to be redesignated as a higher or lower income project or whether the Housing Authority has met the deconcentration goals and the project needs no particular designation.

Project Designation Methodology

The Housing Authority will determine and compare the tenant incomes at the developments and the incomes of census tracts in which the developments are located.

Upon analyzing its findings the Housing Authority will apply the policies, measures and incentives listed in this Chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The Housing Authority's goal is to have eligible families having higher incomes occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and eligible families having lower incomes occupy dwelling units in projects predominantly occupied by eligible families having higher incomes.

Families having lower incomes include very low- and extremely low-income families.

Skipping of families for deconcentration purposes will be applied uniformly to all families.

When selecting applicant families and assigning transfers for a designated project the PHA will determine whether the selection of the family will contribute to the Housing Authority's deconcentration goals.

The PHA will not select families for a particular project if the selection will have a negative effect on the Housing Authority's deconcentration goals. However, if there are insufficient families on the waiting list or transfer list, under no circumstances will a unit remain vacant longer than necessary.

The Housing Authority annually will analyze average income for families in family developments for the purpose of deconcentration. This analysis will be available upon request.

G. VERIFICATION OF PREFERENCE QUALIFICATION [24 CFR 5.415]

The family may be placed on the waiting list upon their certification that they qualify for a preference.

When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given an opportunity for a review.

If at the time the family applied, the preference claim was the only reason for placement of the family on the waiting list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

When the Housing Authority anticipates that the family will be notified in the near future to complete a full application, the family will be sent a Preference Verification letter to the applicant's last known address, requesting verification of the family's preference. The Housing Authority will verify the preference before the applicant's interview is conducted.

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the Housing Authority in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly claimed preference.

H. PREFERENCE DENIAL [24 CFR 5.415]

If the Housing Authority denies a preference, the Housing Authority will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. The applicant will have ten (10) working days to request the meeting in writing. If the preference denial is up-held as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list with notification to the family.

I. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

The Housing Authority will not merge the waiting lists for Public Housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the Public Housing list, the Housing Authority must offer to place the family on both lists. If the Public Housing waiting list is open at the time an applicant applies for Section 8, the Housing Authority must offer to place the family on the Public Housing waiting list.

J. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 960.204(a)]

The waiting list will be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within thirty (30) calendar days s/he will be removed from the waiting list. Purge letters returned after the deadline date but postmarked by the deadline will be accepted. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the proscribed period.

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

If applicants claim that actions as a result of domestic violence, dating violence, sexual assault or stalking prevented them, at the time, from responding to a purge letter PHA may request certification of the claim and may reinstate the application.

The Housing Authority will give written notification to all applicants who fail to respond at the required times. If they fail to respond to this notification, they will be removed from the waiting list.

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

Applicants are required to contact the Housing Authority in writing annually to confirm their continued interest.

K. APPLICANT ORIENTATION

Applicants are required to attend a tenant orientation meeting between the time of an applicant's call-in interview and their eligibility determination. The orientation meetings are needed to help prospective tenants understand PHA rules, procedure and helpful tips for their occupancy. The orientation will be mandatory for all applicants. If an applicant family does not attend, they will be withdrawn from the wait list. The head of household will need to attend the orientation. It is preferred that all adult members of the household be there but is not required.

L. OFFER OF ACCESSIBLE UNITS

The Housing Authority has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, the Housing Authority will offer such units:

1. first, to a current occupant of another unit of the same development, or other public housing developments under the Housing Authority's control, who has a disability that requires the special features of the vacant unit; and
2. second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

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

M. PLAN FOR UNIT OFFERS

The Housing Authority plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, national origin, sexual orientation, gender identity, or receipt of public assistance is:

1. The first qualified applicant in sequence on the waiting list will be made two (2) offers of a unit of the appropriate size.
2. If the first offer is rejected, the applicant will be placed on the bottom of the wait list, by date of refusal and within the appropriate local preference.
3. The second offer will be determined to be the final offer.
4. The Housing Authority will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

N. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an Informal Hearing when applicable (See Chapter on Complaints, Grievances, and Appeals)

O. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offer the PHA will:

- Remove the applicant's name from the waiting list.

Removal from the waiting list means:

- The applicant must wait 12 months before reapplying for the Public Housing Program.

P. TIME LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offer within one (1) working days of the date the offer is made. Offers made over the telephone will be confirmed by letter.

Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "*good cause*," the applicant will not be removed from the waiting list.

Examples of "*good cause*" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)];
- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- The family demonstrates to the Housing Authority's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause;
- A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member; and
- The unit is inappropriate for the applicant's disabilities.

Applicants with a Change in Family Size or Status

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. The PHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

The family will take the appropriate place on the waiting list according to date interviewed.

Q. REFUSAL OF OFFER

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, the Housing Authority will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

Chapter 5

OCCUPANCY GUIDELINES (Minimum and Maximum Unit Sizes)

INTRODUCTION

The Occupancy Guidelines are established by the Housing Authority to ensure that families of the appropriate size occupy units. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or under-utilization. This Chapter explains the Occupancy Guidelines used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

A. DETERMINING UNIT SIZE

The Housing Authority does not determine who shares a bedroom/sleeping room, but there must be at least one (1) person per bedroom. The Housing Authority's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

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

All guidelines in this section relate to the number of bedrooms in the unit. The following principles govern the size of the unit for which a family will qualify. Generally, two people are expected to share each bedroom, except units that will be so assigned that:

The Housing Authority will consider factors such as family characteristics including sex, age, or relationship, the number of bedrooms and size of sleeping areas or bedrooms and the overall size of the dwelling unit. Consideration will also be given for medical reasons and the presence of a live-in aide.

Adults of different generations, persons of the opposite sex (other than spouses), and unrelated adults will not be required to share a bedroom, although they may do so at the request of the family.

Separate bedrooms should be allocated for persons of the opposite sex, other than adults who have a spousal relationship, although they may do so at the request of the family.

Household members of the same sex with a nine (9) year or more age gap will not be required to share the same bedroom, although they may do so at the request of the family.

A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.

Foster children will be included in determining unit size only if they will be in the unit for more than seven (7) months.

Live-in aides will generally be provided a separate bedroom, unless the disabled or elderly family agrees to accept a smaller unit. No additional bedrooms are provided for the aide's family.

Space may be provided for a child who is away at school but who lives with the family during school recesses.

Space will not be provided for a family member who will be absent most of the time, (51%) such as a member who is away in the military.

Single person families shall be allocated zero/one bedroom.

The living room will not be used as a bedroom.

GUIDELINES FOR DETERMINING BEDROOM SIZE

Bedroom Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

B. EXCEPTIONS TO OCCUPANCY STANDARDS

The Housing Authority will grant exceptions from the guidelines in cases where it is the family’s request or the PHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

- applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guideline, and the unit is not overcrowded according to local codes. The family must agree not to request a transfer until their family composition changes; and
- the PHA may offer a family a unit that is larger than required by the Housing Authority’s occupancy standards, if the waiting list is short of families large enough to fill the vacancy / the Housing Authority determines that the common area for the project is insufficient for accommodating any additional large families.

In all cases, where the family requests an exception to the general occupancy standards, the Housing Authority will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by the Housing Authority’s occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by the Housing Authority before the family is placed on the larger bedroom size list. The Housing Authority will consider these requests:

Person with Disability

The Housing Authority will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified and meets requirements in the “Service and Accommodations Policy” section of Chapter 1.

Other Circumstances

Circumstances may dictate a larger size than the occupancy standards permit when:

- persons cannot share a bedroom because of a need for medical equipment due to its size and/or function;
- a doctor must verify requests for a larger bedroom due to medical equipment; and
- a medical professional must verify requests based on health related reasons.

The Housing Authority will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

The Housing Authority must approve all members of the family residing in the unit. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the Housing Authority within 10 days.

To avoid vacancies, the Housing Authority may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

C. INCENTIVES TO ATTRACT HIGHER INCOME FAMILIES TO LOWER INCOME DEVELOPMENTS:

(RESERVED)

D. ACCESSIBLE UNITS

The Housing Authority has units designed for persons with mobility, sight and hearing impairments. These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.

E. FAMILY MOVES

When a change in the circumstances of a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently covered in this policy, the case should be taken to the Executive Director or designee who will make determination after review of the situation, the individual circumstances, and the verification provided.

* See chapter on Recertifications for changes in unit size for tenants.

Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT [24 CFR 5.609, 5.611, 5.613, 5.615]

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The Housing Authority's policies in this Chapter address those areas, which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

The Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the gross monthly income
- the Minimum Rent as established by the PHA

The Total Tenant Payment does not include charges for excess utility consumption or other charges.

A. MINIMUM RENT

Minimum Rent [24CFR 5.630]

The minimum rent for Portland Housing Authority's Public Housing Program is \$50.00.

Financial Hardships Affecting Minimum Rent [24 CFR 5.630]

The financial hardship rules defined below will apply because the Portland Housing Authority has established a minimum rent of \$50.

Overview of Financial Hardships

The Portland Housing Authority has established a minimum rent of \$50 and thus must grant an exemption from the minimum rent if a family is unable to pay the minimum rent due to a financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption.

HUD-Defined Financial Hardship [24 CFR 5.630(b)]

HUD defined hardships are specified as:

1. **The family has lost eligibility for or is waiting for an eligibility determination for a federal, state or local assistance program. This includes** a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
 - a. The hardship will be considered only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.
 - b. The hardship for a family waiting for a determination of eligibility, the hardship period will end the first of the month following the implementation of assistance, if approved or there is a decision to deny assistance that was applied for.

2. The family would be evicted because of the inability to pay the minimum rent.
 - a. For a family to qualify for this hardship, the cause of the potential eviction must be the family's failure to pay rent or tenant paid utilities.
3. Family income has decreased because of a change in family circumstances, including the loss of employment.
4. A death has occurred in the family.
 - a. In order for the family to qualify for this exemption, a family must describe how the death has created a financial hardship.
5. Other circumstances determined by the PHA.
 - a. The PHA has not established any additional hardship criteria.

Implementation of Minimum Rent Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, The PHA will suspend the minimum rent requirement beginning the first day of the month following the family's request. The PHA will then determine whether the financial hardship exists and whether the hardship is temporary or long term.

The PHA defines a temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

The PHA may not evict the family for nonpayment of minimum rent during the 90 day period beginning the month following the family's request for a hardship exemption.

When minimum rent is suspended the TTP reverts to the highest of the remaining components of the calculated TTP. Below is an example of the effect of a minimum rent exemption.

IMPACT OF MINIMUM RENT EXEMPTION - The PHA has a minimum rent of \$50

TTP – Without Hardship	TTP – With Hardship
30% of monthly adjusted income = \$0	30% of monthly adjusted income = \$0
10 % of monthly gross income = \$15	10 % of monthly gross income = \$15
Minimum Rent = \$50	Minimum Rent = \$50
Minimum Rent applies TTP = \$50	Hardship exemption granted by PHA TTP = \$15

To qualify for a hardship exemption, a family member must submit a request for a hardship exemption in writing to the PHA. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The PHA will make a determination of hardship within 30 calendar days of receipt of the family's written request.

No Financial Hardship

If the PHA determines there is no financial hardship, the PHA will reinstate the minimum rent and require the family to repay the amounts suspended. The PHA will require the family to repay the suspended amount within 30 calendar days of the PHA's notice that the hardship exemption has not been granted.

The family may request a grievance hearing based upon the PHA's denial of a hardship exemption.

Temporary Hardship

If the PHA determines that a qualifying financial hardship is temporary, the PHA must reinstate the minimum rent from the beginning of the first of the month following the date of the family's written request for a hardship exemption.

The family must resume payment of the minimum rent and must repay the PHA any amounts suspended. The PHA will offer a reasonable repayment agreement, on terms and conditions established by the PHA.

The PHA may determine that the circumstances have changed and that the hardship has now become a long term financial hardship.

Long-Term Hardship

If the PHA determines that the financial hardship is long term, the PHA will exempt the family from the minimum rent requirement for as long as the hardship continues. This exemption will apply from the first of the month following the family's written request until the end of the qualifying hardship. Once the financial hardship has been determined to be long term, the family is not required to repay any outstanding minimum rent.

The hardship period ends when any of the following circumstances apply:

1. At an interim or annual recertification, the family's calculated TTP is greater than the minimum rent.
2. For hardship conditions based upon the loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost by the family.
3. For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

Grievance of Hardship Exemption

The family may request a grievance hearing based upon the PHA's denial of a hardship exemption. The PHA may not require the tenant to make an escrow deposit to obtain the grievance hearing.

B. INCOME AND ALLOWANCES

Income

HUD defines the types of money, which are to be used as income for purposes of calculating the TTP, in Federal regulations. In accordance with this definition, income from all sources of each member of the household is documented. (See Income Inclusions and Income Exclusions in the Glossary of Terms of this policy.)

Annual Income

Is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income, which has been excluded by HUD. Annual Income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

Adjusted Income

Is defined as the Annual Income minus any HUD allowable deductions.

Permissive Deductions

In accordance with the final rule on Combined Income and Rent, effective 11/18/96, codified in 24 CFR 5.609 (d), Housing Authority's may adopt additional exclusions for earned income pursuant to an established written policy. No HUD approval is required, but the Housing Authority will have to absorb any loss in rental income that results from the adoption of such exclusions. Under the Qualify Housing and Work Responsibility Act of 1998, the former "Optional Income Exclusions" are now referred to as "Permissive Deductions"

The Housing Authority does not adopt any additional permissive deductions to Annual Income of tenants.

Allowable Deductions

HUD has five (5) allowable deductions from Annual Income:

1. Dependent allowance: \$480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. Elderly allowance: \$400 per household for families whose head or spouse is 62 or over or disabled.
3. Allowable medical expenses for all family members are deducted for elderly and disabled families.
4. Childcare expenses for children under 13 are deducted when childcare is necessary to allow an adult member to work, attend school, or actively seek employment.
5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

C. MANDATORY EARNED INCOME DISALLOWANCE

HUD REGULATIONS AND DEFINITIONS

Disallowance of Increase in Annual Income

The HUD regulations regarding the mandatory disallowance of increase in earned income may be found at 24 CFR 960.255 and 24 CFR §§5.617, 960.255, as amended by the final rule published March 29, 2000 in the Federal Register and HUD PIH Notice 2016-05.

HUD regulations require the disallowance of all or part of the increase in earned income for a total of 24 consecutive months as described in the following paragraphs.

Initial Twelve Month Exclusion Period

During the initial 12 month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income (as defined in 24 CFR 5.609) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

Second Twelve Month Exclusion and Phase-In

During the second 12 month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family 50% of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Twenty-Four Month Disallowance

The disallowance of increased income of an individual family member as provided above is limited to a 24-month period. It only applies for a maximum of twelve months for the full exclusion and a maximum of 12 months for the phase-in (50%) exclusion, during the 24-month period starting from the effective date of the initial exclusion.

Inapplicability to Admission

The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program including;

- Determination of income eligibility
- Income targeting

Definitions

Disallowance

Exclusion from annual income.

Previously Unemployed

Includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. (The preamble of the final rule clarifies that the prevailing minimum wage is the higher of the Federal minimum wage, or the State minimum wage.)

Qualified Family

A family residing in public housing:

- Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment (includes family member who fit the definition of “previously unemployed”); or
- Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six (6) months after receiving assistance, benefits or services under any State program for Temporary Assistance for Needy Families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work (WTW) programs.

The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance, provided that the total amount over a six (6) month period is at least \$500.

D. AVERAGING INCOME

When Annual Income cannot be anticipated for a full 12 months, the Housing Authority will:

- Average known sources of income that vary to compute an annual income.

If there are bonuses or overtime, which the employer cannot anticipate for the next 12 months, bonuses and overtime received the previous year will be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

E. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every three (3) months.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

Where credit reports show credit accounts open and payments current, the Housing Authority will take action to investigate the possibility of fraud or program abuse.

F. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(7)]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every three (3) months or more frequently will be considered a “regular” contribution or gift, unless the amount is less than \$150.00 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter on “Verification Procedures,” for further definition.)

If the family's expenses exceed their known income, the Housing Authority will make inquiry of the family about contributions and gifts.

G. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment. If the amount of child support or alimony received is less than the amount awarded by the court, the Housing Authority must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

The Housing Authority will accept as verification that the family is receiving an amount less than the award if:

- the Housing Authority receives verification from the agency responsible for enforcement or collection; and/or
- the family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a copy of the divorce decree.

H. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(5), (c)]

Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments, which have accumulated due to a dispute, will be treated the same as periodic payments, which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

The Housing Authority will calculate retroactively if the receipt was not reported prior to the regularly scheduled annual recertification.

Retroactive Calculation Methodology

The Housing Authority will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The Housing Authority will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the Housing Authority.

At the Housing Authority's option, the Housing Authority may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

I. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

- while an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

J. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The Housing Authority must count assets disposed of for less than fair market value during the two (2) years preceding certification or recertification. The Housing Authority will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy is not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation is not considered to be assets disposed of for less than fair market value.

The Housing Authority's minimum threshold for counting assets disposed of for less than Fair Market value is \$5000.00.

K. CHILDCARE EXPENSES

Non-reimbursable childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work, attend school full time, or actively seek employment.

In the case of a child attending private school, only before or after-hours care can be counted as childcare expenses.

Childcare expenses must be reasonable. Reasonable is determined by what the average childcare rates are in the Housing Authority's jurisdiction.

Allowability of deductions for childcare expenses is based on the following guidelines:

Childcare to Work

The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. * The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Childcare for School

The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

Amount of Expense

The Housing Authority will survey the local care providers in the community to determine what is reasonable. The Housing Authority will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the Housing Authority may calculate the allowance using the guideline.

L. MEDICAL EXPENSES [24 CFR 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Non-prescription medicines must be doctor-recommended in order to be considered a medical expense.

Non-prescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts with identification of the type of purchase.

Acupressure, acupuncture and related herbal medicines will not be considered allowable medical expenses.

M. PRORATION OF ASSISTANCE FOR “MIXED” FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any “mixed” applicant or participant family. A “mixed” family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

“Mixed” families that were a participant on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter titled “Recertifications.”) Applicants’ mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Maximum Rent for the unit the family occupies to determine the Family Maximum Subsidy. The family's TTP will be calculated by:

- dividing the family maximum subsidy by the number of persons in the family to determine member maximum subsidy.
- multiplying the member maximum subsidy by the number of eligible family members to determine eligible subsidy.

Subtracting the amount of eligible subsidy from the applicable Maximum Rent for the unit the family occupies to get the family's revised Total Tenant Payment.

N. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The Housing Authority will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- fraud; or
- failure to participate in an economic self-sufficiency program; or
- non-compliance with a work activities requirement

However, the Housing Authority will reduce the rent if the welfare assistance reduction is a result of:

- the expiration of a lifetime time limit on receiving benefits; or

- a situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:
 - the family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Verification Before Denying a Request to Reduce Rent

The Housing Authority will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

Cooperation Agreements

The Housing Authority has taken a pro-active approach to culminating an effective working relationship between the Housing Authority and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

The Housing Authority and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

O. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a Utility Allowance will be deducted from the Total Tenant Payment. The Utility Allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption utilities in an energy conservative household, *not* on a family's actual consumption.

When the Utility Allowance exceeds the family's Total Tenant Payment, the Housing Authority will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant unless the tenant has agreed, in writing, to a payment to the utility company.

Resident Paid Utilities

The following requirements apply to residents living in developments with resident paid utilities or applicants being admitted to such developments:

- When the supplier of utilities offers a “budget” or level payment plan, it shall be suggested to the resident to pay his/her bills according to this plan. This protects the resident from large seasonal fluctuations in the cost of utilities and ensures adequate heat in the winter. If the family is receiving TANF, the Housing Authority will encourage the family to consider a vendor payment plan for rent and utilities.
- If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to a unit with resident-paid utilities.

Paying the utility bill is the resident's obligation under the Lease. Failure to pay utilities is grounds for eviction.

P. EXCESS UTILITY PAYMENTS

Residents in units where the Housing Authority pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the Lease. [24CFR 966.4(b)(2)]

Q. FAMILY CHOICE IN RENTS

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires Housing Authority's to establish Flat Rents for each public housing unit.

Authority for Family to Select

The Housing Authority shall provide for each family residing in a public housing unit to elect annually whether the rent paid by such family shall be 1) determined based on family income or 2) the Flat Rent. The Housing Authority may not at any time fail to provide both such rent options for any public housing unit owned, assisted or operated by the Housing Authority.

Annual choice: The Housing Authority shall provide for families residing in public housing units to elect annually whether to pay income-based or Flat Rent.

Allowable Rent Structures

Flat Rents

The Housing Authority has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, which:

Is based on the rental value of the unit, as determined by the Housing Authority; and

Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The Housing Authority shall review the income of families paying Flat Rent not less than once every three (3) years.

*The Housing Authority shall in the situation of a family who resides in a larger size unit than is warranted, and has opted for Flat Rent shall be charged the Flat Rent amount of the needed unit size instead of actual. It will be understood by the tenant they shall be required to move to the correct size unit when one becomes available.

Income-Based Rents

The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the Housing Authority that does not exceed the greatest of the following amounts:

- 30% of the family's monthly-adjusted income;
- 10% of the family's monthly income; or
- the Housing Authority's Minimum TTP of \$50.00.

Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay the Housing Authority's Flat Rent, the Housing Authority shall immediately provide for the family to pay rent in the amount determined under income based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the Flat Rent because of financial hardship, including:

Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income of other assistance;

An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; and

Such other situations as may be determined by the Housing Authority.

- *Amendment to 6-10 Flat Rents 10/7/02
- All hardship situations will be verified.

The rental policy developed by the Housing Authority encourages and rewards employment and self-sufficiency.

Annual Recertification

120 days in advance of the annual recertification, the family will be sent a form from the Housing Authority, on which the family will indicate whether they choose Flat Rent or income based rent. The Housing Authority form will state what the Flat Rent would be, and an estimate, based on current information, what the family's income based rent would be.

If the family indicates they choose Flat Rent, the form will be retained in the tenant file. Families paying Flat Rents are required to recertify income only every three (3) years, rather than annually, although they are still required to participate in an Annual Recertification in order to ensure that unit size is still appropriate and Community Service requirements (if applicable) are met.

If the family indicates they choose income-based rent, a recertification appointment will be scheduled according to Housing Authority policy.

Zero Rents and Negative Rents

Interim recertifications will be completed for any resident who has either zero rents or negative rents quarterly.

R. INCOME LIMITS IN LIPH (Low Income Public Housing)

Income limits in Public Housing will be based on 100% of median income by family size. HUD publishes income limits annually with an effective date of October 1, with the purpose of eligibility for admittance to Public Housing and Section 8. Over-income families are families with income exceeding 120 percent of area median income for two consecutive years. When the PHA becomes aware, through an annual reexamination or an interim reexamination, that a family's income exceeds the limit, their rent will be adjusted according to regulation, and the PHA will document the file and notify the family and that their income will be reexamined a year later. If, one year after the initial determination, the family's income continues to exceed the limit, the PHA will notify the family that their income has exceeded the limit for one year. If the family's income continues to exceed the over-income limit for the second consecutive 12-month period, the family will be notified they will no longer be eligible to participate in the Public Housing Program and will be given 6 months to find alternative housing and vacate their unit. PHA staff will assist over-income families required to vacate Public Housing to find appropriate market rate housing, either agency owned or in the private market. The family will be referred to PHA's EMPOWERME Program to assist with their future housing plans and the transition to private housing. Referrals will be made when PHA first becomes aware the family is over-income, and again every year the family remains over-income. If, however, a PHA discovers through an annual or interim reexamination that the family's income is now below the limit, the family is no longer subject to these provisions. The family is entitled to a new two-year grace period if the family's income once again exceeds the over-income limit.

S. HOUSING AUTHORITY'S FLAT RENT METHODOLOGY

Flat Rents will be offered to Public Housing residents at their annual review. If residents opt for the Flat Rent, annual recertification will be completed for family composition only. There will be no redetermination of income for three (3) years. In cases of loss of employment or other compensation which results in loss of income the family can request income based rent resulting in a reduction in their rent amount. When a family regains employment and/or other financial change, which results in an increase in rent, the family will receive a "CAP" at the Flat Rent until their annual recertification occurs and can then be offered Flat Rents or income based rent.

Flat Rents are determined yearly. Flat Rents are based upon a survey of area market rent conducted by the Housing Authority. A new survey of the area market rents are done yearly and the Flat Rent schedule is updated with the survey results and is effective from October 1st to September 30th.

Please see the Flat Rent Schedule as Attachment #8.

Chapter 7

VERIFICATION PROCEDURES [24 CFR 5.617, 24 CFR 960.206]

INTRODUCTION

HUD regulations require that the Housing Authority verify the factors of eligibility and Total Tenant Payment. Applicants and program tenants must furnish proof of their statements whenever required by the Housing Authority, and the information they provide must be true and complete. The Housing Authority's verification procedures are designed to meet HUD's requirements and to maintain program integrity.

This Chapter explains the Housing Authority's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. The Housing Authority will ensure that proper authorization for release of information is always obtained from the family before making verification inquiries.

A. ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. Verification of citizenship or national status is provided directly by the family. PHA may require verification of either citizen/national declaration in the form of a U.S. passport, resident alien card, registration card, social security card or other appropriate documentation. Law requires verification for all other non-citizens who claim eligible immigration status. Verification will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by the following five (5) verification methods acceptable to HUD, in the order of preference indicated:

1. Enterprise Income Verification (EIV)/Upfront Income Verification (UIV)

EIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current EIV resources include the following:

- a. Enterprise Income Verification (EIV) – HUD's online system for Social Security (SS), Supplemental Security Income (SSI) wages, and unemployment information
- b. National Directory of New Hires (NDNH) administered by Department of Health and Human Services (HHS); quarterly employment wages; quarterly unemployment insurance
- c. State systems for the Temporary Assistance for Needy Families (TANF) program
- d. Credit Bureau Information (CBA) credit reports
- e. Internal Revenue Service (IRS) Letter 1722
- f. Private sector databases (e.g. The Work Number)

The Portland Housing Authority will use additional EIV/UIV resources as they become available. This will be done before, during and/or after examinations and/or recertifications of household income as appropriate.

It is important to note that EIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters EIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until the Portland Housing Authority has independently verified the EIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the Portland Housing Authority requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the Portland Housing Authority derives from the EIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

Level 6 - Enterprise Income Verification (EIV)/Upfront Income Verification (UIV)

(Level 6 is the highest level in the verification hierarchy and is mandatory for current Public Housing Residents)

Up Front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system. This level is not available for income verifications of applicants.) EIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Level 5 - Upfront Income Verification (UIV)

(Level 5 is the highest level in the verification hierarchy and is optional for current Public Housing Residents but mandatory for Applicants)

Upfront Income Verification (UIV) using non-HUD systems.

Current UIV resources include the following:

- The Work Number

Level 4 - Third Party Written Verifications

(Level 4 is also considered a high level in the verification hierarchy)

This type of verification includes an original or authentic document generated by a third party source dated within the 60-day period preceding the recertification or PHA request date. These documents may be in the possession of the tenant/applicant and have been referred to in the past as tenant-provided documents. It is HUD's position that such documents are actually written third party verification since these documents originated from a third party source. The PHA may, at their discretion, reject any tenant-provided documents and follow up directly with the source to obtain any necessary information.

Some examples of acceptable tenant-provided documents include pay stubs, payroll summary reports, employer notice/letters, SSA benefit letters, child support payment stubs, welfare benefit letters and unemployment benefit notices. Current acceptable tenant-provided documents must be used to income and rent determinations.

The PHA is required to obtain at minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available the PHA should project income based on the information from a traditional written third party verification or from the best available information.

Level 3 – Written Third Party Verification Form

(Level 3 is considered the medium-low level in the verification hierarchy)

This level is also known as traditional third party verification. A standardized form to collect information from a third party source. The form is completed by the third party by hand. PHA will send the form directly to the third party source by fax, mail or email.

Level 2 - Third Party Oral

(Level 2 is considered the low level in the verification hierarchy)

This type of verification includes direct contact with the source, in person or by telephone. When this method is used staff members will be required to document in writing with whom they spoke, the date and time of the conversation and the facts obtained.

Level 1 – Tenant Declaration

(Level 1 is considered the lowest level I the verification hierarchy and should be used as a last resort)

The tenant submits a notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other verification levels. When tenant declaration is used, the PHA must document the file as to why the other levels of verification were not available.

2. Third Party Written Verifications

This type of verification includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

Third party written verifications may also be used to supplement Enterprise Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the EIV results.

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line systems. If either of these forms of verification is not obtainable, then the file shall be documented as to why third party verification was not used.

The Portland Housing Authority will allow 20 calendar days for the return of third party written verifications prior to continuing on to the next type of verification.

3. Third Party Oral

This type of verification includes direct contact with the source, in person or by telephone. When this method is used staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The Portland Housing Authority will allow 10 calendar days for the return of third party written verifications to supplement the third party oral verification prior to continuing on to the next type of verification.

4. Review of Documents

When EIV, written and oral third party verifications are not available within the 30 calendar days allowed in paragraphs 2 and 3 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

5. Self Certification and Self Declaration

When EIV, written and oral third party verifications are not available within the 30 calendar days allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member within five (5) calendar days.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

When any verification method other than Enterprise Income Verification is utilized, the Portland Housing Authority will document the reason for the choice of the verification methodology in the applicant/resident's file.

Social Security Administration

Third party verification of Social Security (including SSDI) and Supplemental Security Income (SSI) shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line systems. If either of these forms of verification is not obtainable, then the file shall be documented as to why third party verification was not used.

B. RELEASE OF INFORMATION

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information.

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of tenancy because it is a family obligation under tenancy to supply any information requested by the Housing Authority or HUD.

C. ITEMS TO BE VERIFIED

All income not specifically excluded by the regulations.

Zero-income status of household.

Zero Income Families: Unless the family has income that is excluded (for example MEID) for rent computation, families reporting zero income will have their circumstances examined every 90 days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit shall be considered income.

Full-time student status including high school students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two (2) years. For current assets of less than \$5,000, a family's declaration of the amount of assets and the income to be received from these assets is acceptable. The PHA's application and reexamination documentation, which is signed by all adult family members, can serve as the declaration per HUD Notice PIH 2016-05. **Furthermore, 1) PHA must obtain third-party verification of all family assets every three years 2) PHA must obtain third-party verifications for any applicants or additions to a household.**

Childcare expenses where it allows an adult family member to be employed, to further his/her education or to actively seek employment.

Total medical expenses of all family members in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus, which allow an adult family member to be employed.

Legal Identity

U.S. citizenship/eligible immigrant status.

Social Security Numbers for all family members.

Preference status, based upon PHA preferences.

Familial/Marital status when needed for head or spouse definition.

Disability for determination of preferences, allowances or deductions.

D. VERIFICATION OF INCOME

This section defines the methods the Housing Authority will use to verify various types of income. Whenever “in this order” is used in this chapter, the Housing Authority will request and utilize verifications, if available, in the order specified.

Employment Income

Verification forms request the employer to specify the:

- dates of employment;
- amount and frequency of pay;
- date of the last pay increase;
- likelihood of change of status and effective date of any known salary increase during the next 12 months;
- year to date earnings; and
- estimated income from overtime, tips, and bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. EIV/UIV
2. UIV using non HUD systems
3. Written Third Party documentation – provided by the family
4. Written Third Party Form – sent by the PHA
5. Oral Third Party
6. Tenant Declaration – must be notarized

Applicants and program tenants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. EIV/UIV
2. UIV using non HUD systems
3. Written Third Party documentation – provided by the family
4. Written Third Party Form – sent by the PHA
5. Oral Third Party

6. Tenant Declaration – must be notarized

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. computer report electronically obtained or in hard copy, stating payment dates and amounts;
2. verification form completed by the unemployment compensation agency; and
3. **payment stubs Welfare Payments or General Assistance**

Acceptable methods of verification include, in this order:

1. PHA verification form completed by payment provider;
2. written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months;
3. computer-generated Notice of Action; and
4. computer-generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules;
2. a notarized letter from the person paying the support;
3. copy of latest check and/or payment stubs from Court Trustee. Housing Authority must record the date, amount, and number of the check;
4. family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received; and
5. if payments are irregular, the family must provide one or more of the following;

A copy of the separation or settlement agreement or a divorce decree stating the amount and type of support and payment schedules;

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement;

A notarized affidavit from the family indicating the amount(s) received;

A welfare Notice of Action showing amounts received by the welfare agency for child support;

A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification, in this order, include:

1. IRS Form 1040, including:

- Schedule C (Small Business)
- Schedule E (Rental Property Income)
- Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight-line depreciation rules.

2. Audited or unaudited financial statement(s) of the business.
3. Credit report or loan application.
4. Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six (6) months (or lesser period if not in business for six (6) months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.*
5. Family's notarized statement as to net income realized from the business during previous years.

The PHA may request the documentation identified in #4 above, regardless of the verification used.

Childcare Business

If an applicant/tenant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/tenant is operating a “cash and carry” operation (licensed or not), the Housing Authority will require the applicant/tenant to complete a form for each customer giving: name of person(s) whose child(ren) is/are being cared for, phone number, number of hours child(ren) is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

If childcare services were terminated, a third-party verification will be sent to the parent whose child(ren) was cared for.

Recurring Gifts

The family must furnish a Notarized Statement, which contains the following information:

- | | |
|-------------------------------------|--------------------------------------|
| * The person who provides the gifts | *The purpose of the gifts |
| * The value of the gifts | *The regularity (dates) of the gifts |

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The PHA will request information from the State Employment Security Commission.

The PHA will request information from IRS.

The PHA may check records of other departments in the jurisdiction (such as government utilities) that have information about income sources of customers.

Full-Time Student Status

Only the first \$480 of the earned income of full-time students 18 years of age or older, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full-time students are not counted towards family income.

Verification of full time student status includes:

- Written verification from the registrar's office or other school official; and/or

School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

E. INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

For current assets of less than \$5,000, a family's declaration of the amount of assets and the income to be received from these assets is acceptable. The PHA's application and reexamination documentation, which is signed by all adult family members, can serve as the declaration per HUD Notice PIH 2013-03. This notice has an established end date to this method of March 31, 2014. Unless advised otherwise by HUD the procedure will revert back to the prior procedure defined below.

If the current assets are \$5,000 or more, the acceptable methods of verification will be:

Savings Account Interest Income and Dividends

Will be verified by:

1. account statements, passbooks, certificates of deposit, or Housing Authority verification forms completed by the financial institution;
2. broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification; and/or
3. IRS Form 1099 from the financial institution, provided that the Housing Authority must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

Net Rental Income from Property Owned by Family

1. IRS Forms 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's Notarized Statement as to net income realized.

F. VERIFICATION OF ASSETS

Family Assets

The Housing Authority will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.

Real estate tax statements if the approximate current market value can be deduced from assessment.

Financial statements for business assets.

Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Appraisals of personal property held as an investment.

Family's Notarized Statement describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMR) during two (2) years preceding effective date of certification or recertification.

For all certifications and recertifications, the Housing Authority will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two (2) years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMR, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

G. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Childcare Expenses

Written verification from the person who receives the payments is required. If the childcare provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, Social Security number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical and Handicapped Assistance Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For Attendant Care

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled check, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, non-recurring expenses from the previous year.

The PHA will use mileage at the public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities

In All Cases

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care

Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided. Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

H. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, Naturalization Papers
- Church issued Baptismal Certificate
- Current, Valid Driver's license
- U.S. Military Discharge (DD 214)
- U.S. Passport
- Voter's Registration
- Company/Agency Identification Card
- Department of Motor Vehicles Identification Card

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption Papers
- Custody Agreement
- Health and Human Services ID
- School Records

Verification of Marital Status

This would be used to determine spouse for income and deduction and non-citizen purposes

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be required if certification is insufficient:

Verification of Relationship:

- Official Identification showing name
- Birth Certificates

- Baptismal Certificates

Verification of Guardianship is:

- Court-Ordered Assignment
- Affidavit of Parent
- Verification from Social Services Agency
- School Records

Evidence of an established family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation
- Credit reports showing relationship

Split Households: Domestic Violence

Verification of domestic violence when assessing applicant split households includes:

- Shelter for battered persons
- Police reports
- District Attorney's office

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Housing Authority will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services that the adult family member is no longer living at that location.
- If no other proof can be provided, the PHA will accept a Notarized Statement from the family. If this is only proof provided, the member of the household will be considered permanently absent sixty (60) days from the date when the family first reported the absence.
- If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The Housing Authority may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

In October 1998, Congress passed The Quality Housing and Work Responsibility Act of 1998. As a result, Housing Authorities may no longer elect not to comply with ("opt-out" of) the Non-citizen Rule. Housing Authorities must comply with the provisions in Section 214 of the Housing and Community Development Act of 1980.

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Family members must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the Housing Authority hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

Eligible Immigrants who were Tenants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-Citizens with Eligible Immigration Status must sign a declaration of status and verification consent form and provide their original immigration documents, which are copied front and back and returned to the family. The Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, the Housing Authority must request within 10 days that the INS conduct a manual search.

Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household or spouse.

Non-Citizen Students on Student Visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of non-contending members.

Failure to Provide

If an applicant or tenant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For tenant families, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial Housing Authority does not supply the documents, the Housing Authority must conduct the determination.

Extensions of Time to Provide Documents

The Housing Authority will not grant an extension for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance or replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five (5) years.

The PHA will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

Verification of Social Security Numbers [24 CFR 5.216 to 5.218]

Social Security numbers and verification of Social Security Numbers are required of all applicants and participants except for individuals who do not contend eligible immigration status under HUD's noncitizens regulations.

Participants who are 62 years of age or older as of January 31, 2010 would be exempt from having to disclose a Social Security Number. Applicants, regardless of age are required to comply with the Social Security Number requirement.

Social Security numbers must be provided as a condition of eligibility for all family members if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration, or an original document issued by a federal or state government agency that provides the Social Security Number of the individual along with other identifying information.

When adding a new household member, over the age of six, the Social Security Number must be disclosed at the time of the request. For new members under the age of six and without the required documentation of a Social Security Number the PHA may allow 90 days for the head or household to provide the information to the PHA. Another 90 day extension may be granted if the PHA feels that the delay is due to unforeseen circumstances and were outside the control of the head of household. If after the two extensions, the family has still not complied with the Social Security requirement, the PHA must terminate the tenancy of the participant and the participant's household. The PHA must document the reason and the timeline of the extensions.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

I. VERIFICATION OF SUITABILITY FOR ADMISSION

Poor tenant selection creates unnecessary expense to the Housing Authority, has a demoralizing effect on Housing Authority staff, and ultimately devalues the Housing Authority's property. Standards for applicant screening must be applied uniformly to all families and should require that they demonstrate the ability to comply with essential provisions of the Lease.

Sources to be used to determine suitability include but are not limited to:

- Criminal History Reports

- Prior landlord references
- Physicians, social workers, and other health professionals
- Portland Housing Authority and Other Housing Authorities (to whom the family may owe debt) (See Chapter 2, Eligibility)

Ability to Meet Financial Obligations under the Lease

All applicants will be subject to the following procedures to ensure their ability to meet financial obligations under the Lease:

- all applicants will be interviewed and asked questions about the basic elements of tenancy;
- the Housing Authority may access a Credit Report on all applicants prior to selection;
- the Housing Authority will determine if applicants owe any monies from previous tenancy or participation in any HUD housing program; and
- the Housing Authority will independently verify the rent-paying history of all applicants for the previous two years directly with the landlord(s).

Drug-Related or Violent Criminal Activity

The Housing Authority will complete a criminal background check of all applicants including other adult members in the household, or any member for which criminal records are available.

Housekeeping

The Housing Authority will obtain references from prior landlords for the previous five (5) years to determine acceptable housekeeping standards.

Applicants will be required to attend pre-occupancy classes as a condition of admission.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410, 5.415, 5.430]
See Chapter 4

Chapter 8

TRANSFER POLICY

INTRODUCTION

It is the policy of the Housing Authority to permit a transfer when PHA determines that conditions pose an immediate threat to resident health and safety; when a disability precludes the resident from living in the unit; when it is necessary to comply with occupancy standards; or when it will help accomplish the Affirmative Housing goals of the Housing Authority. Transfers will be made without regard to race, color, national origin, sex, religion, familial status, sexual orientation, gender identity, or receipt of public assistance.

For purposes of this transfer policy the “losing development” refers to the development from which the family is moving and the “gaining development” refers to the development to which the family is transferring.

A. RANK ORDER OF TRANSFER LIST

The Transfer List will be maintained by bedroom size, date of request and priority. In order to maintain an effective transfer system, all requests for transfer must be made in writing on the formal “Request for Transfer” form or “Request for Reasonable Accommodation” form. If changes occur in family composition or an individual’s health, which could impact placement on the waiting list, current documentation should be submitted to update the file. Residents will receive one offer of a transfer. Refusal of the offer without good cause will result in the family being removed from the transfer waiting list. Refusals due to location alone do not qualify for this good cause exemption.

Priority for the transfer shall be:

First – the Housing Authority Executive Director will authorize an emergency transfer for a participant family if one of the following conditions occurs: the resident’s unit has been damaged by fire, flood or other causes to such a degree that the unit is not habitable, provided the damage was not the result of an intentional act on the part of the resident or a member of the resident’s household or guest; to remove residents who are witnesses to crimes and may face reprisals; families who have been subject to domestic violence, dating violence, sexual assault or stalking (VAWA of 2013) or hate crimes (see PHA’s VAWA Emergency Transfer Plan Policy); **to permit a HUD approved modernization, demolition and/or redevelopment plan and the transfer will assist the Housing Authority in reaching its affirmative housing goals. These transfers will take priority over new admissions.**

Second – **families or individuals whose reasonable accommodation has been approved by PHA and require a transfer to a handicapped accessible apartment. These transfers will take priority over new admissions.**

Third - families or individuals whose reasonable accommodation has been approved by PHA and require transfer because of a disability which precludes them from remaining in their present apartment. **These transfers will not take priority over new admissions; they will be processed at a rate of five admissions to one transfer.**

Fourth - families residing in severely underutilized or overcrowded units per Housing Authority unit size criteria. **These transfers may take priority over new admissions if a critical need exists to ensure the tenant is housed in appropriate housing. At minimum these transfers will be processed at a rate of 8 admissions to one transfer.**

It is recognized by the Housing Authority that from time to time, circumstances may arise which will require transfers within the LIPH program to be made due to specific situations involving health, safety and welfare of existing tenants and it is the Authority’s intent, should such a specific situation exist that the Executive Director or designee may waive the priorities. Transfers from LIPH to the Section 8 Program may be permitted only upon approval of the Executive Director or designee.

B. GENERAL STATEMENT

Families transferring to another development must have paid the security deposit in full at the losing development. Any move-out charges will be posted to the new unit.

Except in emergency situations, transfers will not be considered when the family is:

- delinquent in its rent;
- about to be asked to move for reasons other than non-payment of rent; and/or
- not in good standing with the PHA due to rental history, history of disturbances, or failure of housekeeping inspections.

Moving Costs

PHA must bear the reasonable costs of transfers it initiates (demolition, disposition, revitalization or rehabilitation), transfers required because lease obligations are not being met (building system failures, other emergency conditions PHA is unable to repair within 24 hours), transfers of a resident with a disability to an accessible unit as an accommodation for the resident's disability. Residents typically must bear the costs associated with occupancy transfers, incentive transfers, and all resident-initiated transfers.

The reasonable cost of transfers includes not just the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting any existing resident-paid services such as telephone and cable television.

C. TRANSFERS FOR ELDERLY AND PERSONS WITH DISABILITIES

Transfers will be based on needs such as proper number of bedrooms and the availability of social services within the community, which meet the family's needs.

Priority will be given to the elderly and persons with disabilities needing to transfer for medical reasons to more accessible elevator or first floor units.

The Housing Authority will consider all requests from elderly participants living in non-elderly projects who wish to transfer into an elderly project.

The Housing Authority will approve a transfer request from an elderly member who wishes to move out of the non-elderly unit, which they occupy with non-elderly family, and into an elderly complex.

D. TRANSFERS WITHIN THE DEVELOPMENT

The Housing Authority does not allow residents to transfer from one unit to another within the same development, unless it is needed as a reasonable accommodation request for a family with a member with a disability.

Requests from residents asking permission to transfer to an apartment in another area of the development or to another apartment in the same high-rise and which are not based on any special need will be denied.

This policy of not transferring is not to be confused with the provision of the lease, which requires the resident, at the request of management, to move to an appropriate size unit.

E. TRANSFER REQUEST PROCEDURE

Residents desiring a transfer to another unit or development will be required to submit their request in writing on the formal "Request for Transfer" form or, "Request for Reasonable Accommodation" form to the Executive Director or designee giving the justification for a transfer with documentation. For transfers requested under VAWA of 2013, the tenant must provide specific certifications of domestic violence, dating violence, sexual assault or stalking (VAWA Certification 12.15.16 and VAWA Emergency Transfer Request 12.15.16). The Executive Director or designee will then complete the transfer request form with decision. The recommendations from the resident's ACOP 2019

property manager will be solicited when feasible. The resident will receive a copy of this decision and if an approval is granted will be placed on the transfer list by date and time, bedroom size and reason for transfer. If it is an approved transfer under VAWA of 2013, the transfer will be considered an emergency transfer and given top priority.

The request for transfer will be kept in the resident's occupancy file and other copy to be forwarded to the current property manager.

If the request is denied, the family will be sent a letter stating the reason for the denial, and offering the family an opportunity for an Informal Hearing if they disagree with the decision.

F. PROCESSING IN AND OUT OF DEVELOPMENTS

There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both projects carry the resident on their books at the same time.

G. MANDATORY TRANSFERS

The Housing Authority will require mandatory transfers for families that, due to changes in family composition, are occupying larger units they are no longer qualified for according to the occupancy guidelines established in Chapter 5-A of the ACOP. In these cases families will receive a Notice of Mandatory Transfer from the Housing Authority a minimum of 30 days prior to the required move date.

Chapter 9
LEASING
[24 CFR 966.4]

INTRODUCTION

It is the Housing Authority's policy that all units must be occupied pursuant to a dwelling Lease agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and the Housing Authority's policies pertaining to Lease execution, security deposits, other charges, and additions to the Lease.

A. LEASE ORIENTATION

Upon execution of the Lease, a Housing Authority representative will provide a Lease orientation to the family head and spouse. The orientation may be conducted with more than one family.

Orientation Agenda

When families attend the Lease orientation, they will be provided with:

- a copy of the Lease;
- a copy of the Housing Authority's Lease and grievance procedure; and
- a copy of the House Rules.

Topics to be discussed will include, but are not limited to:

- applicable deposits and other charges;
- provisions of the Lease;
- orientation to the community;
- unit maintenance and work orders;
- explanation of occupancy forms; and
- terms of occupancy

B. EXECUTION OF LEASE

The Lease shall be executed by the head of household, spouse, and by an authorized representative of the Housing Authority, prior to admission.

The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

An appointment will be scheduled for the parties to execute the Lease. One executed copy of the Lease will be given to the tenant, and the PHA will retain one in the tenant's file. The Lease is incorporated into this policy by reference.

The Lease document will reflect current PHA policies as well as applicable Federal, State and Local law.

The following provisions govern Lease execution and amendments:

- Lease is executed at the time of admission for all new tenants; and
- A new Lease is executed at the time of the transfer of a tenant from one Housing Authority unit to another.

- If, for any reason, any signer of the Lease ceases to be a member of the household, a remaining adult member of the tenant family will execute an Addendum, if the family is otherwise eligible for continued occupancy.

Lease signers must be persons legally eligible to execute contracts.

The names and dates of birth of all household members are listed on the Lease at initial occupancy and on the Application for Continued Occupancy each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.

Changes to tenant rents are made upon the preparation and execution of a “Notice of Rent Adjustment” by the Housing Authority, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.

Households that include a Live-In Aides are required to execute a Lease Addendum authorizing the arrangement and describing the status of the aide.

The Housing Authority may modify its form of Lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable Lease modifications or those modifications required by HUD is grounds for termination of tenancy.

C. ADDITIONS TO THE LEASE

Requests for the addition of a new member of the household must be approved by the Housing Authority, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, the Housing Authority will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. Only new members approved by the Housing Authority will be added to the household.

Factors determining household additions:

1. Household additions subject to screening:
 - Resident plans to marry;
 - Resident is awarded custody of a child over the age for which juvenile justice records are available;
 - Resident desires to add a new family member to the Lease, employ a live-in aide, or take in a foster child(ren).
 - A unit is occupied by a remaining family member(s) under age 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household.
2. Factors determining household additions, which are not subject to screening:
 - Children born to a family member, children under the age of 18, or children whom a family member legally adopts are exempt from the pre-screening process.
3. Factors determining household additions which may be subject to screening, depending on Housing Authority discretion:
 - Children below the age under which juvenile justice records are made available, who are added through a kinship care arrangement are exempt from the pre-screening process.

4. In such cases where the addition of a new member who has not been born, married, or legally adopted into the family, and the addition will affect the bedroom size required by the family, according to the Housing Authority occupancy standards, the Housing Authority will not approve the addition. This does not apply to immediate family members such as a spouse, child, mother, or father. If the addition of an immediate family member will affect the bedroom size, the head of household must provide proof that a lineage or custody exists in order for the addition to be approved.
5. The PHA will not approve adding a family consisting of more than one (1) member to the Lease. Such applicants will be encouraged to apply to the waiting list. If a head of household requests to add two (2) or more members to the household, it is only allowed if all members of the family are children under the age of 18 who are born, married, or legally adopted into the family.
6. Residents who fail to notify the Housing Authority of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the Lease. Such persons are considered to be unauthorized occupants by the Housing Authority, and the entire household will be subject to eviction [24 CFR 966.4(f)(3)].
7. Family members age 18 and over who move from the dwelling unit to establish new households shall be removed from the Lease. The tenant must notify the Housing Authority of the move-out within 10 days of its occurrence.
8. The resident may not allow visitors to stay overnight more than 14 days in a 12-month period.

The family must request Housing Authority approval prior to visitors arriving who will be in the unit in excess of seven (7) consecutive days in a year.

Visitors who remain beyond this period shall be considered trespassers, and their presence constitutes a breach of the Lease.

If an individual other than a leaseholder is representing to an outside agency that they are residing in the lessee's unit, the person will be considered an unauthorized member of the household.

9. Roomers and lodgers are not permitted to occupy a dwelling unit, nor are they permitted to move in with any family occupying a dwelling unit.

Residents are not permitted to allow a former tenant of the Housing Authority who has been evicted to occupy the unit for any period of time.

Residents must advise the Housing Authority when they will be absent from the unit for more than 14 days and provide a means for the Housing Authority to contact the resident in the event of an emergency. Failure to advise the Housing Authority of extended absences is grounds for termination of the Lease.

D. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES

[24CFR 8.27(a)(1)(2) and (b)]

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.

Before offering a vacant accessible unit to a non-disabled applicant, the Housing Authority will offer such units:

First, to a current occupant of another unit of the same development, or other public housing developments under the Housing Authority's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

The Housing Authority will require a non-disabled applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the Lease agreement.

E. UTILITY SERVICES

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits.

Failure to maintain utility services during tenancy is a Lease violation and grounds for eviction.

Non-payment of excess utility charge payments to the PHA is a violation of the Lease and is grounds for eviction.

F. SECURITY DEPOSITS

Security Deposit

New tenants must pay a minimum-security deposit of fifty dollars (\$50.00) to the Housing Authority at the time of admission.

The amount of the security deposit required is specified in the Lease.

The Housing Authority may permit installment payments of security deposit when a new tenant demonstrates a financial hardship to the satisfaction of the Housing Authority. However, no less than one-half of the required deposit must be paid the month following the move-in date.

The remainder of the deposit must be paid within 30 days.

The Housing Authority will hold the security deposit for the period the tenant occupies the unit.

The Housing Authority will refund to the tenant the amount of the security deposit, less any amount needed to pay the cost of:

- unpaid Rent;
- damages listed on the Move-Out Inspection Report that exceeds normal wear and tear; and/or
- other charges under the Lease.

The Housing Authority will refund the Security Deposit less any amounts owed, within 30 days after move out in accordance with State law.

The Housing Authority will provide the tenant or designee identified above with a written list of any charges against the Security Deposit. If the tenant disagrees with the amount charged to the Security Deposit, the Housing Authority will provide a meeting to discuss the charges.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to the Housing Authority. All keys to the unit must be returned to the Management upon vacating the unit.

The Housing Authority will not use the Security Deposit for payment of rent or other charges while the tenant is living in the unit.

If the tenant transfers to another unit, the Housing Authority will transfer the Security Deposit to the new unit. The tenant will be billed for any maintenance or other charges.

G. RENT COLLECTION POLICY

1. All rent is due and payable on the first day of the month. Late fees may be charged on the 15th of the month in an amount equal to 4% of one month's rent or \$1, whichever amount is greater.

Rent checks should be made payable to **Portland Housing Authority**. Rent must be mailed to or dropped off at the PHA property management office for the tenant's apartment community. PHA will accept the following forms of rent payment: personal check, bank check, money order, or personal debit card. Portland Housing Authority does not accept cash or EBT. PHA does not accept starter checks. A starter check is a non-personalized check that a person receives from a bank when they establish a new checking account.

As a matter of administrative policy, one letter will normally be delivered to any tenant who becomes in arrears in the payment of their rent. This letter will notify the tenant that their Lease will be terminated fourteen (14) days after receipt of that letter. It shall also inform the tenant of their right to cure the arrearage by full payment within fourteen (14) days or to invoke the grievance procedure by contacting the Executive Director or designee and presenting their views.

2. If adequate justification for non-payment is presented during the Informal Hearing with the Executive Director or Deputy Executive Director, they shall be authorized to cancel the notice of Lease termination provided the tenant shall make payment in full of all rent due the Housing Authority or, alternatively, shall enter into an agreement to pay the arrearage according to a mutually satisfactory schedule. All such agreements must be made in writing and signed by the tenant while in the presence of the Executive Director of the Housing Authority or his authorized representative. A summary of discussion of the Informal Hearing shall be prepared and mailed to the tenant regardless of the outcome of the meeting. If the justification for non-payment is insufficient and the notice of Lease termination is not canceled, the tenant may then request a Formal Hearing. If the outcome of the Formal Hearing is in the tenant's favor, arrangements for prompt payment will be made. If not, the matter will proceed to District Court for settlement.

3. All sundry charges will be collected in a similar fashion. Sundry charges are due and payable within fourteen (14) days after the charge is incurred. As a matter of administrative policy, two letters will normally be sent to any tenant who becomes in arrears in the payment of these charges. The first letter will be sent on or about the first day of the month immediately following the month in which the charge is incurred, in order to remind the tenant of the amount owed. A notice of proposed Lease termination will be sent on or about the first day of the second month following the month in which the charge is incurred informing the tenant that their Lease will be terminated 30 days after receipt of that letter. The tenant has the right to cure the arrearage by full payment within that 30-day period or by meeting with the Executive Director or designee through the same procedure used in grievances for non-payment of rent. Sundry balance lists are updated monthly and are forwarded to the Project Managers for the purpose of executing re-payment agreements as designees of the Executive Director.

4. Once an individual is evicted from public housing for non-payment of rent or sundries or has left without payment of either, his rent or appropriate sundry charges, he shall not be considered for readmission to public housing until such time as his balance has been paid in full or a written agreement is executed to provide for payment in full through installments.

5. It shall be the responsibility of the tenants to report any increase in income to the Housing Authority within ten (10) days of the date of the increase. Any tenant who has income in excess of what he has reported and who has not reported it within ten (10) days shall be subject to prosecution for fraud and/or eviction. All tenants shall have ten (10) days from passage of this resolution to report income in excess of that previously reported to the Authority, during which time the penalties specified in this section will be waived. This section also applies to the incomes of others residing in the household, whether or not they are on the Lease.

6. Once a tenant has vacated and refused to pay the Housing Authority the balance due on his account before leaving the premises, collection of this account is immediately pursued through Small Claims Court. If the amount due cannot be recovered in this matter, then the account may be turned over to an attorney for collection.

7. All vacated accounts will be reviewed at least annually and upon recommendation of the Director of Fiscal Operations, a list will be prepared for submission to the Commissioners for approving a write-off as uncollectable accounts.

H. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the Lease by reference shall be publicly posted in a conspicuous manner in the project office, and they will be provided to applicants and tenants upon request.

I. MODIFICATIONS TO THE LEASE

Schedules of special charges and rules and regulations are subject to modification or revision. Tenants will be provided at least 30 days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice shall be posted in the central office, and:

- Posted in at least two (2) conspicuous places within each structure or building in which tenants affected by the modifications or revisions are located.

Any modifications of the Lease must be accomplished by a written Addendum to the Lease and signed by both parties.

The following sections have been modified in the Lease (see attached copy of the Lease, changes are in red). Section J Interim Rent Recertification, and Section K.

J. CANCELLATION OF THE LEASE

Cancellation of the tenant's Lease is to be in accordance with the provisions contained in the Lease agreement and as stated in this policy.

K. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

The Housing Authority and the family will inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the Housing Authority and the tenant, will be kept in the tenant file.

Any adult member may sign the inspection form for the head of household.

Vacate Inspections

The Housing Authority will access the Vacate Report prepared by housing management staff and will perform a move-out inspection when the family vacates the unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The Housing Authority will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists the Housing Authority in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

The resident is encouraged to participate in the move-out inspection.

Annual Inspections

The Housing Authority will inspect all units annually using HUD's guidelines.

Residents who “fail” the inspection due to housekeeping or tenant-caused damages will be given one (1) week to correct noted items. Another inspection will be conducted.

Residents will be issued a copy of the inspection report with required corrections.

All inspections will include a check of all smoke alarms to ensure proper working order.

Inspection report will indicate whether required corrections are to be charged to the resident or covered by the Housing Authority.

Required corrections will be repaired by the Housing Authority within 30 days of the inspection date.

Resident will be notified at least two (2) days before the date of the required repairs.

Damages beyond “normal wear and tear” will be billed to the tenant.

Residents who repeatedly “fail” the inspection or cause excessive damage to the unit may be in violation of their Lease.

Residents who are in violation of their Lease due to repeated failed inspection will be scheduled for a Lease violation conference.

Quality Control Inspections

The housing management staff will conduct periodic Quality Control Inspections to determine the condition of the unit and to identify problems or issues in which the Housing Authority can be of service to the family.

Special Inspections

Housing management staff may request the Project Manager to conduct a Special Inspection for housekeeping, unit condition, or suspected Lease violation.

HUD representatives or local government officials may review Housing Authority operations periodically and as a part of their monitoring may inspect a sampling of the Housing Authority's inventory.

Other Inspections

The Project Manager, Director of Maintenance will periodically conduct windshield and/or walk-through inspections to determine whether there may be Lease violations, adverse conditions or local code violations.

Building exterior and grounds inspections are conducted at all public housing properties to determine hazardous conditions as well as to assist in budget preparation.

Emergency Inspections

Housing management staff, including Housing Authority inspectors may initiate an Emergency Inspection report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site. In addition, the Director of Maintenance may conduct an Emergency Inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter.) Repairs are to be completed within 24 hours from the time the work order is issued.

Emergency Repairs to be Completed in Less than 24 Hours

The following items are to be considered emergency in nature and require immediate (less than 24 hour) response:

- lock-out (with proper identification of resident);

- broken locks which affects unit security;
- broken window glass, which affects unit security, is a cutting hazard, or occurs within inclement weather (to be secured or abated);
- escaping gas;
- plumbing leaks which have the capacity to create flooding or cause damage to the unit;
- natural gas leaks or smell of fumes;
- backed-up sewage; and/or
- electrical hazard.

Units with elderly residents have the following additional standards for repairs to be conducted in less than 24 hours:

- Inoperable Housing Authority owned air conditioner/heater (seasonal) or refrigerator

Inoperable smoke detectors will be treated as a 24-hour emergency and will be made operable by the Housing Authority if the smoke detector is in need of repair.

Residents who disengage smoke detectors for convenience purposes will be cited. (See “Housekeeping Citations” below)

Entry of Premises Notices

The Housing Authority will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

The Housing Authority will provide the family with 48-hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

An adult family member must be present in the unit during the inspection and be required to show identification. If no person is at home, the maintenance staff and another staff member will enter the unit and conduct the inspection.

If no one is in the unit, the person(s) who enters the unit will leave a written notice to the resident explaining the reason the unit was entered and the date and time.

A written notice specifying the purpose for non-emergency entry into the unit will be delivered to the premises at least two (2) days before entry.

Where the Housing Authority is conducting regular annual examinations of its housing units, the family will receive reasonable advance notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons the Housing Authority will enter the unit are:

- Inspections and maintenance;
- To make improvements and repairs;
- To show the premises for leasing; and/or
- In cases of emergency

The family must call the Housing Authority at least 24 hours prior to the scheduled date of inspection to reschedule the inspection, if necessary.

The Housing Authority will reschedule the inspection no more than once unless the resident has a verifiable medical reason, which has hindered the inspection. The Housing Authority may request verification.

Repairs requested by the family will not require prior notice to the family. Residents are notified in the lease that resident-requested repairs presume permission for the Housing Authority to enter.

Non-Inspection Emergency Entry

The Housing Authority staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

Family Responsibility to Allow Inspection

The Housing Authority must be allowed to inspect the unit at reasonable times with reasonable notice. 24 hour written notice will be considered reasonable in all cases.

The resident is notified of the inspection appointment by mail. The family must call the Housing Authority at least 12 hours before the inspection date to reschedule the inspection, if necessary.

The Housing Authority will reschedule the inspection no more than once unless the resident has a verifiable medical reason, which has hindered the inspection. The Housing Authority may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the Lease and the Housing Authority will schedule a Lease violation conference for the family.

Housekeeping Citations

Residents who “fail” an inspection due to housekeeping will be issued a Housekeeping Citation, and a re-inspection will be conducted within five (5) working days by housing management staff.

If the family fails to comply with the reinspection it can result in Lease termination. * Or if the family is issued another Housekeeping Citation within 14 days of the reinspection, the family will be summoned for a Lease violation conference.

Citations will be issued to residents who purposely and for convenience disengage the unit's smoke detector.

More than two (2) such citations will be considered a violation of the Lease.

Tenant Damages

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated Lease violations.

“Beyond normal wear and tear” is defined as items, which could be charged against the tenant's security deposit under State law or court practice.

L. SMOKE-FREE HOUSING POLICY

Effective July 1, 2011 all tenants, residents and guests will be prohibited from smoking anywhere in Portland Housing Authority (PHA) owned and managed buildings, including apartments, common areas and within 25 feet of all building and 50 feet from entrances. The Board of Commissioners has adopted this policy to provide a healthier environment for our residents. The purpose of this policy is to provide a healthier environment for our residents and eliminate the harmful effects of secondhand smoke, fire danger, and damage to apartments due to smoke. Secondhand smoke is particularly dangerous to children and people with respiratory disease. It is the third leading cause of preventable death in the United States. In 2006, the US Surgeon General stated that there is no safe level of secondhand smoke.

Definition of Smoke/Smoking

The term “smoke and “smoking” means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product, water pipes, hookahs or any Schedule I drug in accordance with the Controlled Substance Act.

Smoke-Free Apartments

The premises listed below have been designated as smoke-free living environments and comprise all of PHA’s Public Housing property:

- Sagamore Village
- Riverton Park
- Kennedy Park, Bayside East and Bayside Terrace
- Franklin Towers
- Harbor Terrace
- Washington Gardens
- Front Street Apartments
- Dermot Court, 155 Anderson St, 81-87 Salem St, 43 Hammond St and 37 Illsley St.

Further, any new properties acquired and/or managed by PHA after July 1, 2011 shall be deemed smoke free as well.

Smoking is prohibited on these properties owned and managed by PHA, including the apartment rented by the resident, the building in which the dwelling unit is located, and all common areas inside and outside the building, up to 25 feet from each building and 50 feet from the buildings entry.

Portland Housing Authority Not a Guarantor of Smoke-Free Environment

The adoption of a smoke free living environment, and the efforts to designate a property as smoke-free, does not make PHA a guarantor of resident’s health or of the smoke-free condition of the resident’s apartment and common areas. However, PHA shall take reasonable steps to enforce the smoke-free terms of its leases and to make the property smoke-free. PHA will post all property with “No Smoking” signs inside and outside the buildings and may at it’s sole option consider designating smoking areas at any or all of the properties.

Smoking on the Property as a Lease Violation

If a resident smells tobacco smoke anywhere in the building, they should report this to the office as soon as possible. Management will seek the source of the smoke and take appropriate action. A resident will be in violation of his/her lease if the resident or any guest is determined to be smoking on PHA property. Three (3) violations of PHA’s Smoke Free Policy may result in eviction. All applicants/residents will acknowledge receipt of this Policy and the Smoke-Free Lease Addendum in writing at the time of application, or next rent recertification.

M. MEDICAL MARIJUANA POLICY

New Admissions Policy

Based on federal law, new admissions of medical marijuana users are prohibited into the Public Housing program. The Controlled Substances ACT (CSA) lists marijuana as a Schedule I drug, a substance with a very high potential for abuse and no accepted medical use in the United States. PHA will adhere strictly to the US Department of Housing and Urban Development federal law with regard to new admissions into Public Housing. As such, each applicant will be informed that the Controlled Substances Act (CSA) lists marijuana as a Schedule I drug and that the possession of marijuana or any other Schedule I drug, whether in possession of a current medical marijuana registration or not, and will not be admitted under any circumstances to participate in Public Housing.

Current Residents Policy

PHA will adhere strictly to the US Department of Housing and Urban Development federal law with regard to all use of marijuana or any other substance listed as a Schedule I drug under the Controlled Substances Act (CSA). As such, any current resident known to possess such drugs or found to possess such drugs through discovery, arrest, informal hearing, registration, licensing, litigation or other verifiable means, will be terminated from Public Housing and given the same notice and rights as for any other cause for termination under the program. PHA makes no distinction between medical marijuana and any other form of marijuana or Schedule I substance with respect to this policy. In instances where conflict may later arise in differences between federal and state laws governing the use of medical marijuana, PHA will comply with the more restrictive.

N. ENERGY EFFICIENCY AND RESOURCE CONSERVATION POLICY

Energy efficiency and resource conservation have become important priorities of the PHA. There are a wide range of benefits of this policy from lower utility bills for our residents, to lower operational costs, to the long-term sustainability of the agency. This policy supports federal law under Energy Policy Act 2005 and HUD policy in regard to energy conservation. The goals of this Agency policy are to effectively manage and reduce the consumption of electricity, potable water and natural gas at all PHA properties, as well as to instill the values of energy efficiency, resource conservation and sustainability into the institutional culture of PHA, its employees and residents.

The major elements of the agency's energy efficiency and resource conservation policy include;

- Evaluate energy efficiency and resource conservation factors as part of its decisions regarding operations, maintenance and capital improvements.
- Invest in energy and resource conservation improvements through the HUD Energy Performance Contracting Program and the Capital Fund Program.
- Create and maintain a database benchmarking energy and water use, costs and savings to track success and needed improvements.
- Educate staff and residents on the benefits of energy efficiency and resource conservation, and how to properly operate energy consuming devices.
- Assist residents in making sound energy use decisions, increasing control over their energy bills, and empowering them to manage their own energy usage.
- Purchase Energy Star appliances, to replace older equipment.
- Institute resident rules and requirements through the dwelling lease that implement the policy and assist in accomplishing its goals.

Air Conditioner Policy

The purpose of this policy is to promote the safe and energy efficient operation of air conditioners in PHA dwellings.

- Air conditioners must be removed from the window from September 15th thru May 15th except by special written permission of the Housing Authority due to Reasonable Accommodation per section 6.E of the PHA dwelling lease.
- Resident cannot open windows in the apartment when an air conditioner is running. This is a violation of section 7.A.6 of the PHA dwelling lease. A \$10 penalty fee will be assessed if this rule is not followed.
- Air conditioners cannot exceed 10,000 BTU's.
- Extension cords are not recommended to provide power. However, if you must use one, it cannot be less than a 20 Amp rating and 72" maximum length. If the air conditioner must be plugged into an extension cord, no other power source can be plugged into the extension cord or outlet which the extension cord is plugged into.
- Window air conditioning units are allowed in sash type windows only. If you wish to have an air conditioner in any other type of window, a portable floor model must be used. A/C window units that are currently and properly installed at Franklin Towers, will be grandfathered and can continue to be used. However, once a window A/C unit is removed from the window, a portable A/C unit must be used in the unit.
- The Housing Authority may conduct annual or seasonal inspection to monitor compliance of the above conditions.
- If, during an inspection, it is determined that your air conditioner presents a clear and present danger of falling out of the window (due to resident tampering or other reasons), is a fire hazard, or it will jeopardize the building's electrical system, it will be immediately removed.

For Households NOT Responsible for Paying Electricity:

- There is an annual fee of \$50 per air conditioner unless a Reasonable Accommodation verifies the necessity of the air conditioner for the household.
- Air conditioners must be installed and removed by the Housing Authority approved vendor. The resident is responsible for making arrangements to have their air conditioner installed and removed by notifying the Manager's Office. Air conditioners must be stored in a safe and non-impeding space in the apartment.

- Starting in 2017, households that already own a window A/C unit will be required to purchase a portable A/C unit. PHA will forgive the annual Air Conditioner fee for two seasons for these households to help off-set that cost. This initiative will end in 2018.
- A/C window units that are currently and properly installed at Franklin Towers, will be grandfathered and can continue to be used. However, once a window A/C unit is removed from the window, a portable A/C unit must be used in the unit.
- If an air conditioner is installed without permission of the Housing Authority and by a vendor not approved Housing Authority, it will be removed immediately from the window. The household will be charged a penalty fee of \$25 for each air conditioner installed without permission of the PHA.

For Households that are Responsible for Paying Electricity:

- Resident must properly install air conditioner according to manufacturer's recommendations without making permanent modifications to the window frame or walls.
- Bricks, wood, insulation, or any other object, other than the manufacturers specified brackets, placed under the air conditioner, are prohibited.
- Resident must reimburse the Housing Authority for any damage or other non-utility cost it incurs as a result of the air conditioner's installation, operation and/or removal.
- Resident may only install air conditioners in a room that has more than one operable window.

O. PARKING POLICY AND STRATEGY

- Purpose: Provide rules and incentives covering existing housing and new developments that reduce and limit the number of parking spaces needed at PHA/PHDC housing and meet the following goals:
- Goals:
 - Provide limited, safe, well managed parking for PHA/PHDC residents.
 - Reduce agency costs of maintaining parking areas
 - Reduce vehicle congestion
 - Increase tenants use of public transportation
 - Utilize PHA land more efficiently, making it available for other purposes
 - Reduce the cost of new housing development by building/providing less parking
 - Reduce the cost of housing to tenants
 - Reduce fuel usage and carbon emissions, consistency with PHA Green Policy
 - Decrease water runoff by decreasing the need for paved surfaces
 - Increase the wellness of residents who use public transit
- Existing Public Housing:
 - Motor Vehicle and Parking Policy Lease Addendum January 2013:
 - One parking space per household provided (if available at site)
 - Tenants must register vehicle with PHA
 - Vehicle must be kept operable, inspected and registered with State of ME.
 - Eligible registered vehicles receive a PHA sticker to be displayed.
 - (NEW) Starting July 1, 2016 (FY 2017) Tenants will be charged an annual **\$60.00** Parking Reservation Fee per vehicle to help off-set costs of maintaining parking areas and administering parking rules. This will be a recurring \$5 monthly charge on your account.
 - (NEW) Starting July 1, 2016 (FY 2017) PHA will provide discounted monthly Metro bus passes to households with no vehicle.
 - \$45.00 monthly passes will be reduced to \$25.00.
 - 100 passes available in FY 2017
 - Maximum of 2 passes per household.
 - Work with Metro on implementation
 - Implementation: Policy to be part of the 2016 Agency Plan, including changes to the ACOP (Energy and sustainability section and schedule of resident charges.)
- Portland Metro:

- METRO has several initiatives planned that are aimed at improving the passenger experience and attracting new riders planned to begin the spring of 2016, including:
 - The installation of more than 25 new bus shelters along all routes
 - Expanded service to Yarmouth and Freeport
 - Launching of “real time bus arrival information” via website, text message and mobile applications. This new ITS program will allow riders to know the actual time their bus will arrive.

- Cost to Own a Vehicle:
 - According to AAA’s 2015 “Your Driving Costs”, the average cost of owning a small sedan vehicle that travels 10,000 miles is \$5,822/year. This includes car payment, insurance, gas prices, license fees, registration fees, maintenance and tires.
 - This is roughly the cost of a family using 10 non-discounted METRO bus passes each month and is proof that there is significant savings if a family uses public transportation, walks or rides a bicycle to destinations.

- New Housing Developments:
 - The amount of parking constructed or provided for new developments will be based on the following factors;
 - Requirements of the funding source
 - City zoning requirements
 - Identified market for the housing
 - Type and location and of the development
 - Where possible, tenants will be charged a parking fee separate from their rent to give tenants the choice of paying for parking or not.
 - Provide alternatives to parking, including;
 - Ride share vehicles
 - Discounted bus passes
 - Other
 - Implementation: Case by case for each new development planned.

Chapter 10

PET POLICY [24 CFR 5.309]

PORTLAND HOUSING AUTHORITY COMPANION PET OWNERSHIP POLICY

Effective October 1, 2001, pet ownership in all Public Housing developments will be regulated by the reasonable rules and regulations outlined in this Companion Pet Ownership Policy. As this policy is incorporated in the Dwelling Lease, repeated or substantial violation of the regulations set forth may result in the withdrawal of permission to keep a pet, or in termination of tenancy. This policy does not apply to assistance animals or services animals that are required to assist either handicapped residents or handicapped visitors.

A. **TYPE AND NUMBER:** Under this policy,

Residents will not be allowed to keep Pit Bulls or Rottweiler in any development

- **Residents of all buildings less than three stories tall** may keep only common household pets limited to dogs, cats, birds, rodents such as hamsters and rabbits, fish, and turtles. A maximum of one (1) dog and/or two (2) cats per household will be allowed.

A limit of two (2) birds, hamsters, rabbits, or turtles are allowed. You cannot have two of each pet. The limit is two total. Only one fish tank, no more than twenty (20) gallons, is allowed. **If you choose to have two of these animals, you cannot have a dog or cat as well.**

- **Residents of buildings taller than three (3) stories (high rise buildings)** may keep:
 - (a) One (1) dog not exceeding twenty (20) pounds, eight to twelve (12) inches in height at full maturity, or
 - (b) One (1) cat, or
 - (c) Two (2) caged birds, or
 - (d) Fish (limit of one (1) twenty (20) gallon tank, 12" x 30" x 12", sealed against leakage).

All other animals, including strays or visitors'/guests' pets are strictly prohibited from all developments.

Special Note: Residents who can prove that they had pets in excess of the maximum number allowed under this policy as of the date of enactment of this policy (June 7, 2001) may retain these specific pets as long as they remain in compliance with all other requirements.

B. **OWNER ACCOUNTABILITY:** Pet owners will be held accountable for damage to property or persons caused by their pets. Failure to meet financial responsibility for pet-caused damage will be cause for eviction.

Tenants shall be liable for the entire amount of all damages caused by pets and all cleaning, defleaing, and deodorizing required because of the pet. This applies to carpets, doors, walls, drapes, windows, screens, furniture, appliances and any other part of the dwelling unit, landscaping or other improvements on Authority property, or the property of other tenants. If such items cannot be satisfactorily cleaned or repaired, tenants must pay for complete replacement. Payment for damages, repairs, cleaning, replacement, etc. shall be deducted from a damage deposit but not limited by said deposit amount.

C. **STANDARD OF CARE:** It is the pet owner's responsibility to ensure that the pet receives proper care. Proper care includes adequate nutrition, responsible medical attention, satisfactory grooming and exercise, and overall humane treatment. Management reserves the right to require the pet owner to permanently remove the pet if, in Management's opinion, it is not being properly cared for.

D. **RIGHTS OF OTHER TENANTS:** Pet owners must recognize the rights of other tenants to peaceably enjoy their homes free from noise disturbances and odors caused by pets. Therefore, pet owners will take every reasonable step to ensure that the rights of other tenants are not disturbed. Pet owners agree to immediately and permanently remove the pet from the premises of Management receives reasonable

complaints from neighbors or other residents or if Management, in their sole discretion, determines that the pet has disturbed the rights, comforts, or convenience of neighbors or other residents.

E. SPECIAL PROVISIONS FOR OWNERS OF DOGS AND CATS:

- (a) **Dogs and cats shall be neutered or spayed and housebroken.**
- (b) **All dogs or cats shall be licensed and vaccinated according to local and State law.**
- (c) All dogs shall be on a leash controlled by an adult when outside of the apartment.
- (d) Owners shall designate an individual to care for the pet if the owner becomes incapacitated.
- (e) Cats and dogs shall not be allowed in common areas (community room, laundry room, etc.) except as is necessary to leave or enter the building. At no time shall they be allowed to roam freely.
- (f) Management reserves the right to require that tenants remove pets from the premises while maintenance work is being performed.
- (g) A cat litter box will be provided by cat owners and sanitary conditions must be maintained at all times. The litter box must be cleaned regularly and the waste collected in plastic bags which are to be sealed and placed in a trash can. Litter boxes must be kept in the apartment at all times.
- (h) Tenants shall not alter their apartments or any other portion of the premises to create an enclosure for an animal.
- (i) Leashed animals must be curbed away from the site area. No animal waste will be tolerated on any building site properties.
- (j) Pet owners must remain in strict compliance with all relevant State, local, and Portland Housing Authority laws, regulations, and ordinances at all times.
- (k) If dogs or cats are left unattended for forty-eight (48) hours or more, the Portland Housing Authority may enter to remove the pet and transfer it to the proper authorities. The Portland Housing Authority accepts no responsibility for the pet under such circumstances.

F. OWNERSHIP CERTIFICATE:

- (a) Written permission must be secured from the Authority in advance. This permission will be granted after the following requirements have been met:
 - 1) Signed, notarized statement accepting full legal responsibility for the actions of the pet and all injuries and illness caused by the pet.
 - 2) A veterinarian's statement that (in the case of dogs and cats) the animal is:
 - a. in good health;
 - b. has received all necessary immunizations, and
 - c. has been neutered.
 - 3) A signed agreement with another responsible person to remove the animal from the premises if the owner should become temporarily or permanently unable to care for it. The Authority shall be able to implement this agreement at any time if, in its sole discretion, the animal is not properly cared for or shows signs of abuse.
 - 4) Proof of registration will be required from all dog owners.

Chapter 11

RECERTIFICATIONS

[24 CFR 5.617, 24 CFR 960.209]

INTRODUCTION

HUD requires that the Housing Authorities recertify all families at least annually. At the annual recertification families must report their current household composition, income, deductions and allowances. Between regular annual recertifications, HUD requires that families report all changes in household composition, but the Housing Authority decides what other changes must be reported and the procedures for reporting them. This Chapter defines the Housing Authority's policy for conducting annual recertifications. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

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

- qualify as a family as defined in this policy;
- are in full compliance with the obligations and responsibilities described in the dwelling Lease;
- whose family members, each have submitted their Social Security numbers or have certifications on file that they do not have a Social Security number; and
- whose family members have submitted required citizenship/eligible immigration status/non-contending documents.

B. ANNUAL RECERTIFICATIONS

The terms annual recertification and annual reexamination are synonymous.

In order to be recertified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition, medical or elderly and disabled expenses.

Families who choose Flat Rent are to be recertified every three (3) years.

Annual recertifications will be completed yearly based upon the tenant's anniversary of their move-in date.

Recertification Notice to the Family

All families will be notified of their obligation to recertify by first class mail or hand delivery. The recertification package shall be sent 90 to 120 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the Housing Authority will provide the notice in an accessible format. The Housing Authority will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

The notification shall explain family choice of income-based or flat rent, with an estimate of what the income-based rent would be and a statement of what the flat rent is.

The family will indicate whether the family chooses income-based or flat rent by checking the appropriate box on the document, signing the document, and returning the document to the Housing Authority.

Persons with Disabilities

Persons with disabilities, who are unable to come to the Housing Authority's office, will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

Housing Authorities utilize three (3) basic methods of data collection: 1) Housing Authority allows the family to complete the recertification forms, then the family submits the forms to the Housing Authority; 2) Housing Authority allows the family to complete the recertification forms, then meets and reviews the forms with the family; or 3) The housing interviewer interviews the family, asks the questions and records the answers on the recertification forms. This system utilizes the Personal Declaration Form so that the Housing Authority has information in the family representative's own handwriting.

The family is required to complete a *Personal Declaration* form prior to all annual and interim recertification interviews.

Interview

There is no HUD requirement to conduct face-to-face annual reexamination interviews. The Housing Authority can conduct annual reexaminations completely by mail, following up by telephone if clarification is necessary.

The Housing Authority reserves the right to conduct a face-to-face annual reexamination interview if the need exists, or if the family requests the interview. Families that will be seen face to face every year include, but are not limited to:

- Working families: Many working individuals change jobs frequently. Correct calculation of wages may be difficult if the family is not seen face-to-face every year.
- Zero-income families: Often, these families are withholding income information that an effective interview will be able to uncover.
- Families with a fraud history: Families that have withheld information in the past are probably more likely to withhold information in the future. Effective interviewing may prevent this.
- Families that do not respond to annual reexamination mailings in a timely manner: If the family delays return of the annual reexamination packet, the PHA still must meet its annual reexamination deadline. Requiring families who delay in completing and returning their completed annual reexamination (by mail) packet to come into the office can promote timely return of information.
- Families who respond in a timely manner, but with incomplete information and/or documents: These families could also be called in for a face-to-face interview.

Procedure when Face to Face Interview Not Necessary

- When a face-to-face interview is not necessary, the Housing Authority's procedure for conducting annual recertifications will be:
 - o The Annual Recertification packet materials will be mailed to the family 120 to 90 days in advance of the Annual Recertification date. Included in the packet is a "Personal Declaration" form, documents required for the release of information to PHA, and certain family certifications.
 - o The family must return the recertification materials to PHA by the 15th of the month the packet is sent.
 - o Persons with disabilities may request assistance in completing the Annual Recertification materials by either an arranged office or home visit upon verification that the accommodation

requested meets the need presented by the disability.

- Verifications of all stated income sources, assets and allowable expenses will be sought from the family as requested (see Chapter 6 – Determination of Total Tenant Payment and Chapter 7 – Verification Procedures.)

Procedure when Face-to-Face Interview IS Necessary

- Requirements to Attend

In a face-to-face interview, the following family members will be required to attend the recertification interview and sign the application for continued occupancy:

- Head of Household
- If the head of household is unable to attend the interview, the spouse may recertify for the family, provided that the head comes in within seven (7) days to recertify.

- Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend. The family may call to request another appointment date up to two (2) days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the Housing Authority, the Housing Authority will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the Housing Authority will:

- not schedule a third appointment; and
- terminate tenancy for the family.

The Executive Director or designee may make exceptions to these policies if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Failure to Respond to the Recertification Requirements

The written notification that is included in the recertification packet states that all adults in the family are expected to review the information provided by the Head of Household for accuracy and affix their signature where required and return the packet by the 15th of the month.

If the family does not return the completed recertification packet in a timely manner (15th of the month) and has not advised PHA of a reason for the late submission, PHA will immediately (within 5 days) send a 2ND and final letter to the family. This letter will advise them of their obligation under the Lease Agreement that failure to complete the recertification may lead to a termination of assistance. The family will have until the end of the month.

If the family does not respond to this warning letter, PHA will serve a 30 day notice to quit on the family for the end of the month or two (2) months prior to the annual recertification date and offer the family an informal hearing.

If the family returns the completed recertification packet before the anniversary date and before the 30 day notice to vacate has expired, the family will be allowed to continue the process.

If the 30 day notice to vacate has expired and the family has not submitted the completed recertification packet, the Property Manager will notify the family of PHA's intent to proceed with the eviction process and terminate assistance.

The Executive Director or designee may make exceptions to these policies if the family is able to document an emergency situation that prevented them from canceling or attending the appointments or the person claims mitigating circumstances as a result of a disability or of Limited English Proficiency.

Documents Required From the Family

In the notification letter to the family, the Housing Authority will include instructions for the family to *submit* the following to the Housing Authority:

- documentation of income for all family members;
- documentation of liquid and non-liquid assets;
- documentation to substantiate any deductions or allowances;
- other documents as requested; and
- Personal Declaration Form completed by head of household

Verification of Information

All information, which affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. Verifications used for recertification must be less than 120 days old. All verifications will be placed in the file, which has been established for the family. When the information has been verified, it will be analyzed to determine:

- the continued eligibility of the resident as a family or as the remaining member of a family;
- the unit size required by the family; and
- the amount of rent the family should pay.

Changes In The Tenant Rent

If there is any change in rent, including change in family's choice in rent, the Lease will be amended, or a new Lease will be executed, or a Notice of Rent Adjustment will be issued. [24 CFR 966.4(c) & (o)].

Tenant Rent Increases

If tenant rent increases/changes, a forty-five (45) day notice will be mailed to the family prior to the anniversary date.

If a change occurs during the 45 day notice period that causes an increase in rent, the tenant's annual recertification will be completed, and a new interim recertification will be started, including another 45 day notice period.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the recertification processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases During Annual Recertification Process

If a change occurs during the processing of the Annual Recertification that causes a decrease in rent, it will be effective on the first day of the month following the completion of the recertification.

If the family causes a delay so that the processing of the recertification is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the recertification processing by the Housing Authority.

C. REPORTING INTERIM CHANGES

Families must report all changes in household composition to the Housing Authority between annual recertifications. This includes additions due to birth, adoption and court-awarded custody. The family must obtain Housing Authority approval prior to all other additions to the household.

When there is a change in head of household or a new adult family member is added, the Housing Authority will complete an application for occupancy and reverify, using the same procedures the Housing Authority staff would use for an initial occupancy, except for effective dates of changes. In such case, the Interim Recertification Policy would be used.

The annual recertification date will not change as a result of this action.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the Housing Authority of the family member being added to the Lease.

Interim Recertification Policy

All Public Housing residents are required to report all changes in income that will be continued and on-going for a minimum of 30 days and all changes in family composition within 10 days of the effective date of the change between Annual recertifications. If the increase in income will result in a rent increase, then the Housing Authority will conduct an interim recertification and the resulting rent increase will take place on the first day of the month following a 45-day notice. If the change results in a decrease in rent, the decrease will become effective the first day of the month following reasonable attempts to verify change of income.

Families with Flat Rent will also report all changes but no change of rent will occur through the three (3) year period of the Flat Rent.

Decreases in Income and Rent Adjustments

The Housing Authority will process the rent adjustment unless the Housing Authority confirms that the decrease in income will last less than 30 calendar days.

D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

Housing Authority will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- fraud; or
- failure to participate in an economic self-sufficiency program; or
- non-compliance with a work activities requirement

However, the Housing Authority will reduce the rent if the welfare assistance reduction is a result of:

- the expiration of a lifetime time limit on receiving benefits; or
- a situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:

- the family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Verification Before Denying a Request to Reduce Rent

The Housing Authority will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

E. OTHER INTERIM REPORTING ISSUES

An interim recertification will be scheduled for families with zero or unstable income every 90 days until the family has stable income.

- This incentive is not provided to persons who work seasonally.

In the following circumstances, the Housing Authority may conduct the interim recertification by mail:

- changes that will not result in a change in tenant rent;
- changes in income that is normal for the family, such as seasonal employment; and/or
- as a reasonable accommodation when requested. (See Chapter titled "Statement of Policies and Objectives")

Housing Authority Administrative Errors

If the Housing Authority makes a calculation error at admission to the program or at an annual recertification, an interim recertification will be conducted to correct the error. The PHA will pay an over charge to the tenant up to 24 months. This may be in the form of a credit to the tenant's account or a check.

F. TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS

Standard for Timely Reporting of Changes

The Housing Authority requires that families report interim changes to the Housing Authority within 10 days of when the change occurs. Before an interim adjustment can be processed, all required information, documentation and signatures needed to verify the change must be received.

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications or documentation, (in the time period requested by the Housing Authority), it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

The Housing Authority will notify the family of any changes in Tenant Rent to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least 45 days' notice.

Decreases in the Tenant Rent: are effective the first of the month following the receipt of the verified change in income. The change will not be made until the verification is received by the PHA.

Procedures when the Change is not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim recertification processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis.

The family will have the option to pay back the retroactive rent in a lump sum payment, a Repayment Agreement, or a combination of the two. The monthly rent plus the Repayment Agreement shall not exceed 40 percent of the family's adjusted monthly income. The terms of the agreement may be renegotiated if there is an increase or decrease in the family's income. If the family refuses to pay the retroactive rent or sign a Repayment Agreement, the tenancy of the family will be terminated. If the family fails to make payment on an existing or new Repayment Agreement, the tenancy of the family will be terminated.

Decreases in the Tenant Rent are effective the first of the month following the month in which the change is reported. The change will not be made until all necessary verification is received.

Procedures when the Change is not Processed by the Housing Authority in a Timely Manner

Processed in a Timely Manner means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the Housing Authority in a timely manner.

Therefore, an increase will be effective after the required 45 days' notice prior to the first of the month after completion of processing by the Housing Authority.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

G. REPORTING OF CHANGES IN FAMILY COMPOSITION

The Housing Authority must approve the members of the family residing in the unit. The family must inform the Housing Authority and request approval of additional family members other than additions due to birth, adoption, marriage, court-awarded custody before the new member occupies the unit.

The Housing Authority will not approve the addition of family members other than by birth, adoption, marriage or court-awarded custody where the occupancy standards would require a larger size unit.

All changes in family composition must be reported within 10 days of the occurrence in writing.

Requests to remove a household member from the lease can only be made by the Head of Household or their spouse, and must include documentation certifying their permanent absence, such as a lease or rent receipts from a new address, utility bills or court records. PHA will not remove this person from the lease until the absence can be adequately verified.

The head of household must provide a statement that the head of household or spouse will notify the Housing Authority if the removed member returns to the household for a period longer than the visitor period allowed in the Lease.

Increase in Family Size

The Housing Authority will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

- Addition of a Housing Authority -approved live-in aide.
- Addition due to birth, adoption or court-awarded custody.

Families who need a larger sized unit because of voluntary additions will have lower priority on the Transfer List than other families who are required to change unit size.

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit.

Definition of Temporarily/Permanently Absent

The Housing Authority must compute all applicable income of every family member who is on the Lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The Housing Authority will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family

Absence of entire family or any adult members who wishes to leave the unit for more than 30 consecutive days must put in writing as a request to the Housing Authority seeking approval from the Housing Authority to be out of the unit for the specified period of time. Approval, if given, will always be contingent on the following...

- a. All paperwork for annual recertification must be up to date and current.
- b. Any subsequent Annual recertification can not be with in 30 days of the specified time to be out of the unit.
- c. No recertifications will be processed during the time period that the family/adult member(s) are away from the unit. These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the Housing Authority will terminate tenancy in accordance with the appropriate Lease termination procedures contained in this Policy.
- d. No change in rent will be processed as a result of income change related solely to the family/ adult(s) being away from the unit for the specified period of time.

Families are required to notify the Housing Authority before they move out of a unit in accordance with the Lease and to give the Housing Authority information about any family absence from the unit.

Families must notify the Housing Authority if they are going to be absent from the unit for more than 15 consecutive days. A person with a disability may request an extension of time as an accommodation.

Absence means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the Housing Authority may:

- conduct home visit;
- write letters to the family at the unit;
- post letters on exterior door;
- telephone the family at the unit;
- interview neighbors;
- verify if utilities are in service;
- check with Post Office for forwarding address; and/or
- contact emergency contact

If the entire family is absent from the unit for more than 30 consecutive days, the unit may be considered to be vacant and the Housing Authority may terminate tenancy.

As a reasonable accommodation for a person with a disability, the Housing Authority may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

If the absence which resulted in termination of tenancy was due to a person's disability, and the Housing Authority can verify that the person was unable to notify the Housing Authority in accordance with the Lease provisions regarding absences, and if a suitable unit is available, the Housing Authority may reinstate the family as an accommodation if requested by the family.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for two (2) consecutive months 60 days in a 12-month period except as otherwise provided in this Chapter.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the Housing Authority will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the Housing Authority's "Absence of Entire Family" policy.

Absence Due to Incarceration

If the sole member is incarcerated for more than 14 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 14 consecutive days. The rent and other charges must remain current during this period.

The Housing Authority will determine if the reason for incarceration is for drug-related or criminal activity, which would threaten the health, safety, and right to peaceful enjoyment of the dwelling unit by other residents.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, the Housing Authority will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than six (6) months from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the Housing Authority's occupancy guidelines.

Absence of Adult

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the Housing Authority will treat that adult as a visitor for the first 30 calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the Lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the Housing Authority will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

The Housing Authority will transfer the Lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more than 60 days and it is reasonable to expect that custody will be granted.

When the Housing Authority approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. The PHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 60 days, the person will be considered permanently absent.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Full time students who attend school away from the home will be treated in the following manner:

- A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the Lease, and the member will not be included for determination of unit size.

Visitors (See Chapter on Leasing)

Any adult not included on the HUD 50058 who has been in the unit more than seven (7) consecutive days, or a total of 15 cumulative days in the month will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or Housing Authority staff will be considered in making the determination.

The Housing Authority will consider:

- statements from neighbors and/or Housing Authority staff
- vehicle license plate verification
- Post Office records
- drivers license verification
- law enforcement reports
- credit reports

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the Housing Authority will terminate the family's Lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit during official school breaks without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 30 days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in public housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by the Housing Authority to be living in the unit.

A live-in aide, by definition, is not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor or is legally married; or
- The Housing Authority has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

I. CHANGES IN UNIT SIZE

The Housing Authority shall grant exceptions from the occupancy standards if the family requests and the Housing Authority determine the exceptions are justified according to this policy.

The Housing Authority will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage or court-awarded custody.

The Housing Authority will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested.

When an approvable change in the circumstances in a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

(Reference Chapter on Occupancy Standards)

J. CONTINUANCE OF ASSISTANCE FOR “MIXED” FAMILIES

Under the Non-Citizens Rule, “Mixed” families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

“Mixed” families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

- the head of household, co-head or spouse is a U.S. citizen or has eligible immigrant status; AND
- the family does not include any ineligible immigrants other than the head or spouse, or parents or children of the head, co-head or spouse.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance (See Chapter titled “Factors Related to Total Tenant Payment Determination”). The Housing Authority may no longer offer temporary deferral of termination (See Chapter on “Lease Terminations”).

K. SEX OFFENDER CHECK AT ANNUAL REEAMXINATION

PHA will ask whether the tenant or any member of the tenant’s household is subject to a state lifetime sex offender registration program in any state. PHA will verify this information using the Dru Sjodin National Sex Offender

Database and/or other official federal, state, and local resources and document this information in the same manner as at admission.

If PHA discovers that a household member is a sex offender, then PHA will terminate assistance unless the offender moves out of the assisted unit.

Chapter 12

LEASE TERMINATIONS [24 CFR 966.4]

INTRODUCTION

The Housing Authority may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (1)(2)], and the terms of the Lease. This Chapter describes the Housing Authority's policies for notification of Lease termination and provisions of the Lease.

A. TERMINATION BY TENANT

The tenant may terminate the Lease by providing the Housing Authority with a written 30-day advance notice as defined in the Lease agreement.

B. TERMINATION BY HOUSING AUTHORITY

Termination of tenancy will be in accordance with the Housing Authority's Lease.

The public housing Lease is automatically renewable, EXCEPT the public housing Lease shall have a 12-month term for community service and will not be renewed in the case of noncompliance with the community service requirements. See Chapter 17 for Community Service.

The Housing Authority may terminate the Lease at any time by giving written notice for serious or repeated violation of material terms of the Lease.

An incident or incidents of actual and imminent threats of domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the Lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;

Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications;

Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;

Use of the premises for purposes other than solely as a dwelling unit for the tenant and tenant's household as identified in this Lease, or permitting its use for any other purposes;

Failure to abide by necessary and reasonable rules made by the landlord for the benefit and well being of the housing project and the tenants;

Failure to abide by applicable building and housing codes materially affecting health or safety;

Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;

Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;

Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;

Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas; or

The tenant, any member of the tenant's household, or a guest or other person under the tenant's control shall not engage in criminal activity, including drug-related criminal activity, on or off public housing premises (as defined in the Lease), while the tenant is a tenant in public housing, and such criminal activity shall be cause for termination of tenancy. The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is the victim or threatened victim of the domestic violence, dating violence, stalking or sexual assault. [VAWA of 2013]

If contraband or a controlled substance is seized on the above premises, incidental to a lawful search or arrest, the landlord (the Housing Authority) will be notified by the County Attorney's Office that it is to bring an unlawful detainer action against that tenant. The landlord (Housing Authority) will then commence unlawful detainer procedures to terminate the Lease.

Alcohol abuse that the Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Non-compliance with Non-Citizen Rule requirements.

Any drug related or violent criminal activity or threatening of Housing Authority Staff.

Serious or repeated interference with the individual liberties or personal property rights of other tenants or property owners within the neighborhood.

Continued failure to maintain the tenant's apartment or surrounding common areas of the neighborhood in a safe or sanitary manner.

Causing or permitting a violation of the law in the tenant's apartment.

Causing or permitting a nuisance to exist within the apartment or in the common areas of the building or development.

Refusal to move to a suitable unit in accordance with Section 4.A and G herein.

Violation of or failure to abide by any of the provisions, agreements or covenants of this Lease.

Other good cause. Other good cause shall include, but not be limited to, non-compliance with program requirements, default of an agreement to pay and omission or misrepresentation of information.

Certification under VAWA of 2013

If a tenant indicates the act or failure to act is a result of domestic violence, dating violence, stalking OR sexual assault, PHA will first request that an individual certify that the individual is a victim of domestic violence, dating violence, stalking OR sexual assault, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certifications shall include the name of the perpetrator provided it is safe to provide the name of the perpetrator and is known to the victim.

Alternatively a tenant may also satisfy the certification requirement by providing PHA with documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or a medical professional, for whom the victim has sought assistance in addressing domestic violence, dating violence, sexual abuse or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, stalking or sexual assault has signed or attested to the documentation; or by producing a Federal, State, or local police or court record.

At its discretion PHA may apply benefits under VAWA based solely upon the individual's statement or other corroborating evidence.

Implementation of termination under VAWA

PHA may bifurcate the Lease to remove a tenant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual.

PHA is authorized to honor court orders regarding rights of access or control of property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among household members in cases where a family breaks up.

Nothing limits the ability of PHA to evict for other good cause unrelated to the incident or incidents of domestic violence, domestic violence, dating violence, sexual assault, or stalking provided that the victim is not subject to a more demanding standard than non-victims.

Nothing is to prohibit eviction if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed by PHA or those who provide service to the property if that tenant's tenancy is not terminated. An actual and imminent threat consists of a physical danger that is real, would occur within an immediate timeframe, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm would occur, and the length of time before the potential harm would occur. An eviction shall be utilized by PHA only when there are no other actions that could be taken to reduce or eliminate the threat including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence, or develop other plans to keep the property safe or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety will be tailored to particular concerns about individual residents.

Nothing in this section shall be construed to supersede any provision of any Federal, State or local law that provides greater protection for victims of domestic violence, dating violence, stalking or sexual assault.

C. NOTIFICATION REQUIREMENTS

The Housing Authority's written Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy. (See Chapter on Complaints, Grievances and Hearings.)

Notices of Lease termination shall be in writing and delivered to tenant or adult member of the household or sent by first class mail properly addressed to the tenant with a proof of mailing date stamped by the U.S. Postal office.

The notice shall contain a statement describing the resident's right to meet with the manager to determine whether a reasonable accommodation would eliminate the need for a Lease termination.

Timing of the Notice

If the Housing Authority terminates the Lease, written notice will be given as follows:

- seven (7) day eviction notice shall be given for "One Strike Violation";
- at least 14 calendar days prior to termination in the case of failure to pay rent;
- a reasonable time, according to State law, considering the seriousness of the situation when the health or safety of other residents or Housing Authority employees is threatened; and
- at least 30 days prior to termination in all other cases.

The Housing Authority shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity, including drug-related criminal activity.

Criminal Activity

The Housing Authority will immediately and permanently terminate tenancy of persons convicted of manufacturing or producing Methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The Housing Authority will terminate assistance of participants in cases where the Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the Housing Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The Housing Authority will consider the use of a controlled substance or alcohol to be a pattern if there is more than one (1) incident during the previous three (3) years.

"Engaged in or engaging in or recent history of criminal activity" means any act within the past three (3) years by applicants or tenants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, which did or did not result in the arrest and/or conviction of the applicant or tenants, household members, or guests. If an applicant, tenant, household member or guest(s) are arrested for criminal activity, it will not automatically be regarded as a disqualifying criminal activity. The arrest will trigger an investigation to determine whether the person actually engaged in the activity. As part of its investigation, PHA may obtain a police report associated with the arrest, consider statements made by witnesses not included in the police report, determine whether criminal charges were filed, and determine, if filed, whether the criminal charges were abandoned, dismissed, not prosecuted, resulted in an acquittal, or a conviction. In the case of an applicant, PHA may ask them to obtain a police report in regards to the activity. PHA does not have to wait until the arrest disposition has been made in order to determine an applicant's eligibility for housing in regards to criminal activity that threatens the health, safety or right to peaceful enjoyment.

In evaluating evidence of negative behavior, the Housing Authority will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future, which could be supported by evidence of rehabilitation.

The Housing Authority will not waive this policy.

The Housing Authority may permit continued occupancy provided the family accepts imposed conditions that the involved family member(s) does not reside in the unit. The Housing Authority will consider evidence that the person is no longer in the household such as a divorce decree/incarceration/ death/ copy of a new Lease for the person including the owner's telephone number and address/ or other substantiating evidence.

D. RECORD KEEPING

- A written record of every termination and/or eviction shall be maintained by the PHA at the development where the family was residing, and shall contain the following information:
 - name of resident, number and identification of unit occupied;
 - date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
 - specific reason(s) for the Notices, citing the Lease section or provision that was violated, and other facts pertinent to the issuing of the Notices described in detail (other than the Criminal History Report);
 - date and method of notifying the resident; and

- summaries of any conferences held with the resident including dates, names of conference participants, and conclusions.

Records for persons where Leases were terminated for any reason will be kept by the Housing Authority indefinitely.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS [24 CFR 5.514]

Families who were participants on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a “mixed” family chooses not to accept proration of assistance, were eligible for temporary deferral of termination of assistance to permit the family additional time for transition to affordable housing.

Deferrals may have been granted for intervals not to exceed six (6) months, up to an aggregate maximum of three (3) years for deferrals granted prior to 11/29/96 or up to 18 months if granted after 11/29/96.

However, due to the time frame applicable to the deferral period, current families are no longer eligible for deferral of termination of assistance.

Families will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

- granting another deferral will result in an aggregate deferral period of longer than the statutory maximum (three (3) years for deferrals granted before 11/29/96; 18 months for deferrals granted after 11/29/96), or
- a determination has been made that other affordable housing is available.

If the Housing Authority determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for 24 months. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any proration of assistance provided for the family.

F. PHA DWELLING LEASE (See Attachment 3)

Chapter 13

COMPLAINTS, GRIEVANCES AND APPEALS (24 CFR 966.50-966.57)

INTRODUCTION

This chapter discusses grievances and appeals pertaining to PHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings Regarding Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance & Hearing Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not PHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

OVERVIEW

When PHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an **informal hearing**. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except regarding citizenship status, to be covered in Part II). This part discusses PHA policies necessary to respond to applicant appeals through the informal hearing process.

INFORMAL HEARING PROCESS

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project. Applicants to public housing are not entitled to the same hearing process afforded tenants in PHA grievance procedure

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

Notice of Denial.

PHA will give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for PHA decision, and must also state that the applicant may request an informal hearing to dispute the decision within 10 working days from the date of notification of their ineligibility. The notice will describe how to obtain the informal hearing.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family will be given a Notice of Adverse Action and an opportunity to dispute the information in those records which would be the basis of the denial.

Informal Hearing

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

PHA will schedule and send written notice of the informal hearing within 10 business days of the family's request.

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

Applicant will be provided an opportunity to present written or oral objections to the decision of PHA.

The person conducting the informal hearing, if other than PHA staff, will make a recommendation to PHA. In all cases, PHA is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision

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

In rendering a decision, PHA will evaluate the following matters:

1. If the grounds for denial were stated factually in the notice
2. The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in PHA policy, then the decision to deny assistance will be overturned.
3. The validity of the evidence. PHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, PHA will uphold the decision to deny admission.
4. If the facts prove the grounds for denial, and the denial is discretionary, PHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

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

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

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities

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

PART II: HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the Housing Authority hearing is pending but assistance to an applicant may be delayed pending the Housing Authority hearing.

INS Determination of Eligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the Housing Authority notifies the applicant or tenant within 10 days of their right to appeal to the INS within 30 days or to request an Informal Hearing with the Housing Authority either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the Housing Authority a copy of the appeal and proof of mailing or the Housing Authority may proceed to deny or terminate. The time period to request an appeal may be extended by the Housing Authority for good cause.

The request for a Housing Authority hearing must be made within 14 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 14 days of receipt of that notice.

After receipt of request for an Informal Hearing, the hearing is conducted as described in the “Grievance Procedures” section of this chapter for both applicants and participants. If the Hearing Officer decides that the individual is not eligible, and there are no other eligible family members the Housing Authority will:

- deny the applicant family;
- defer termination if the family is a participant and qualifies for deferral; and/or
- terminate the participant if the family does not qualify for deferral.

If there are eligible members in the family, the Housing Authority will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

- if any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide;
- participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the determination;
- participants whose assistance is pro-rated (either based on their statement that some members are ineligible or do to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment;
- families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as determinations for any other types of fraud.

Hearing procedures—

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

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

The purpose of this Chapter is to set forth the requirements, standards and criteria for a Grievance Procedure to for all Public Housing Properties owned by Portland Housing Authority (PHA) to assure that a PHA tenant is afforded an opportunity for a hearing if the tenant disputes within a reasonable time (hereby established to be 10 days) any PHA action or failure to act involving the tenant's lease with PHA or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

A. Applicability.

(1) These grievance procedures shall be applicable (except as provided in paragraph (A)(2) to all individual Grievances as defined below under "Definitions," except any grievance concerning a termination of tenancy or eviction that involves:

(A) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of PHA;

(B) Any violent or drug-related criminal activity on or off such premises; or

(C) Any criminal activity that resulted in felony conviction of a household member.

NOTE: PHA may evict the occupants of the dwelling unit through the judicial eviction for these matters. PHA is not required to provide the opportunity for a hearing under PHA's administrative grievance procedure.

(2) These grievance procedure shall not be applicable to disputes between tenants not involving PHA or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and PHA's Board of Commissioners.

B. Definitions.

For these procedures, the following definitions are applicable:

(1) Grievance shall mean any dispute which a tenant may have with respect PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

(2) Complainant shall mean any tenant whose Grievance is presented to PHA or at the project management office.

(3) Elements of due process shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

(a) Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;

(b) Right of the tenant to be represented by counsel;

(c) Opportunity for the tenant to refute the evidence presented by PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;

(d) A decision on the merits.

(4) Hearing officer means an impartial person or persons selected by PHA, other than the person who made or approved the decision under review, or a subordinate of that person. Such individual or individuals do not need legal training. PHA will appoint a superior to the previous decision maker, the Deputy Director or the Director, in its sole discretion.

(5) Tenant shall mean the adult person (or persons) (other than a live-in aide):

(a) Who resides in the unit, and who executed the lease with PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,

(b) Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.

(6) Resident organization includes a resident management corporation.

C. Informal settlement of Grievance.

Any Grievance shall be personally presented, either orally or in writing, to PHA office or to the office of the project in which Complainant resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within a reasonable time and one copy shall be given to Tenant and one retained in PHA's Tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the Grievance complaint and the specific reasons therefor, and shall specify the procedures by which a hearing may be obtained if Complainant is not satisfied.

D. Procedures governing Hearing.

(1) A Hearing must be scheduled promptly for a time and place reasonably convenient to both Complainant and PHA and held before a Hearing Officer. A written notification specifying the time, place, and the procedures governing the hearing must be delivered to the complainant and the appropriate official.

(2) The complainant shall be afforded a fair hearing, which shall include Elements of Due Process:

(a) The opportunity to examine before the grievance hearing PHA documents, including records and regulations, that are directly relevant to the hearing. (For a grievance hearing concerning a termination of tenancy or eviction. Tenant shall be allowed to copy any such document at Tenant's expense. If PHA does not make the document available for examination upon request by the complainant, PHA may not rely on such document at the grievance hearing.

(b) The right to be represented by counsel or other person chosen as Tenant's representative and to have such person make statements on Tenant's behalf;

(c) The right to a private hearing unless the complainant requests a public hearing;

(d) The right to present evidence and arguments in support of Tenant's complaint, to controvert evidence relied on by PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information PHA or project management relies; and

(e) A decision based solely and exclusively upon the facts presented at the hearing.

(3) If Complainant or PHA fails to appear at a scheduled hearing, the Hearing Officer may make a determination to postpone the hearing for no more than 5 business days or may make a determination that the party has waived his right to a hearing. Both Complainant and PHA must be notified of the determination by the Hearing Officer. A determination that the complainant has waived the complainant's right to a hearing will not constitute a waiver of any right Complainant may have to contest PHA's disposition of the Grievance in an appropriate judicial proceeding.

(4) At the hearing, Complainant must first make a showing of an entitlement to the relief sought and thereafter PHA must sustain the burden of justifying PHA action or failure to act against which Complaint is directed.

(5) Complainant or PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

(6) Accommodation of persons with disabilities.

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

(b) If Tenant is visually impaired, any notice to Tenant which is required under this subpart must be in an accessible format.

(7) Limited English Proficiency. PHAs must comply with HUD's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" issued on January 22, 2007 and available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq.

E. Decision of Hearing Officer.

(1) Hearing Officer must prepare a written decision, including the reasons for PHA's decision within a reasonable time after the hearing. A copy of the decision must be sent to Complainant and PHA. PHA must retain a copy of the decision in Tenant's folder. PHA must maintain a log of all Hearing Officer decisions and make that log available upon request of the Hearing Officer, a prospective complainant, or a prospective complainant's representative.

(2) The decision of Hearing Officer will be binding on PHA unless PHA Board of Commissioners determines, on appeal of the Complainant, that:

(a) The grievance does not concern PHA action or failure to act in accordance with or involving the Complainant's lease on PHA regulations, which adversely affects Complainant's rights, duties, welfare or status; or

(b) The decision of Hearing Officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and PHA.

(3) A decision by Hearing Officer or Board of Commissioners in favor of PHA or which denies the relief requested by Complainant in whole or in part will not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

F. Requirements Regarding This Grievance Procedure.

(1) This Grievance Procedure shall be included in, or incorporated by reference in, all Tenant dwelling leases.

(2) PHA shall provide at least 30 days' notice to Tenants and Resident Organizations setting forth proposed changes in PHA grievance procedure, and providing an opportunity to present written comments. Comments submitted shall be considered by PHA before adoption of any Grievance Procedure changes by PHA.

(3) PHA shall furnish a copy of these Grievance Procedure to each Tenant and to Resident Organizations.

(e) PHA must not only meet the minimal procedural due process requirements contained in this procedure but also satisfy any additional requirements required by local, state, or federal law.

Chapter 14

FAMILY DEBTS TO THE PHA

INTRODUCTION

This Chapter describes the Housing Authority's policies for the recovery of monies, which have been underpaid by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the Housing Authority's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the Housing Authority's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

When families or owners owe money to the Housing Authority, the Housing Authority will make every effort to collect it. The Housing Authority will use a variety of collection tools to recover debts including, but not limited to:

- requests for lump sum payments;
- payment agreements;
- civil suits;
- credit bureaus;
- collection agencies; and/or
- income tax set off programs

A. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Family Error/Late Reporting

Families who owe money to the Housing Authority due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Section of this Chapter.

Families who owe money to the Housing Authority due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud, below.

Program Fraud

Families who owe money to the Housing Authority due to program fraud will be required to repay the amount in full within 30 days or enter into a repayment agreement with PHA. If the full amount is paid within this time period and the family is still eligible, the Housing Authority may continue assistance to the family.

Families are required to reimburse PHA if they were charged less rent than required by HUD's rent formula due to the family's underreporting or failure to report income. This additional rent is referred to as retroactive rent. If a family refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, PHA must terminate the family's tenancy. HUD does not authorize any housing authority-sponsored amnesty or debt forgiveness programs. PHA is required to determine retroactive rent amounts as far back as PHA has documentation of family reported income.

If the family owes an amount, which equals or exceeds \$5000 as a result of program fraud, the case will be referred to the Inspector General. Families who owe money to the Housing Authority due to program fraud may be required to repay the amount in full within 30 days if directed by the Inspector General. Where appropriate, the PHA will refer the case for criminal prosecution.

B. REPAYMENT AGREEMENT FOR FAMILIES DUE TO NON-REPORTING OF INFORMATION

A Payment Agreement as used in this Plan is a document entered into between the Housing Authority and a person who owes a debt to the Housing Authority. It is similar to a promissory note but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement and the remedies available to the Housing Authority upon default of the agreement.

The monthly amount of payment for a Payment Agreement under this section will be determined based on the family's ability to pay. The adjusted annual income, the total amount of the debt owed and the time frame of the Payment Agreement are all taken into consideration when the monthly payment amount is established in a Payment Agreement. If for some reason, the Family's income changes, the Payment Agreement may be revisited and adjusted.

All repayment agreements will be in writing, dated, signed by both the family and PHA, and will include the total retroactive rent amount owed, amount of lump sum payment made at the time of execution, if applicable, and the monthly repayment amount. The monthly retroactive rent payment plus the amount of rent the family pays at the time of the repayment agreement will be calculated at no more than 40% of the family's monthly adjusted income (30% of adjusted income as current rent, 10% of adjusted income as retroactive rent). The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income. Late and missed payments constitute default of the repayment agreement and will result in termination of the family's tenancy. A payment that is not received by the close of business day on which the payment is due is considered late and will not be accepted.

Late Payments

A payment will be considered to be in arrears if;

- the payment is not received by the close of the business day on which the payment is due.

If the family's Payment Agreement is in arrears, the Housing Authority may;

- require the family to pay the balance in full; or
- grant an extension of 30 days.

If the family requests a transfer to another unit and has a Payment Agreement in place and the Payment Agreement is not in arrears;

- the family is not permitted to move.

Guidelines for Payment Agreements

Payment Agreements will be executed between the Housing Authority and the head of household and spouse.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship and the approval of the Executive Director or designee.

No transfer will be approved until the debt is paid in full unless the Payment Agreement is current and the transfer is the result of the following causes;

- family requires accessible unit;
- family size exceeds the maximum occupancy guidelines;
- a natural disaster; and/or
- family requires a move for employment/education.

Additional Monies Owed

If the family has a Payment Agreement in place and incurs an additional debt to the Housing Authority; the Housing Authority will not enter into more than one Payment Agreement at a time with the same family.

Housing Authority Mistakes in Calculating Rent

If the Portland Housing Authority makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of 24 months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two (2) refund methods.

C. RENT COLLECTION POLICY

See Chapter 9

Chapter 15

COMMUNITY SERVICE [24CFR 960.603-960.611]

A. BACKGROUND

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self sufficiency and economic independence. This is a requirement of the Public Housing Lease. Community Service requirements were eliminated in 2001 and then reinstated by HUD in 2003 and are now a requirement of the Portland Housing Authority.

B. DEFINITIONS

Community Service - volunteer work, which includes, but is not limited to:

- work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;
- work with a non-profit organization that serves PHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls clubs, 4-H program, PAL, Garden Center, Community cleanup programs, beautification programs, other youth or senior organizations;
- work at the Authority to help improve physical conditions;
- work at the Authority to help with children's programs;
- work at the Authority to help with senior programs;
- helping neighborhood groups with special projects;
- working through resident organization to help other residents with problems, serving as an officer in a Resident organization, serving on the Resident Advisory Board; and/or
- caring for the children of other residents so they may volunteer.

NOTE: Political activity is excluded.

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

- job readiness programs;
- job training programs;
- GED classes;
- substance abuse or mental health counseling;
- English proficiency or literacy (reading) classes;
- apprenticeships;

- budgeting and credit counseling;
- any kind of class that helps a person toward economic independence and/or
- full time student status at any school, college or vocational school

Exempt Adult - an adult member of the family who

- is 62 years of age or older;
- has a disability that prevents him/her from being gainfully employed;
- is the caretaker of a disabled person;
- is working at least 20 hours per week; or
- is participating in a welfare to work program.

C. REQUIREMENTS OF THE PROGRAM

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two (2).

2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The Authority will make the determination of whether to allow or disallow a deviation from the schedule.

3. Activities may be performed within the Public Housing communities in addition to the community at large. Which includes non-profits, hospitals, churches etc.

4. Family obligations

At Lease execution or recertification after February 1, 2000, all adult members (18 or older) of a public housing resident family must

1. provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and
2. sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in non-renewal of their Lease.

At each annual recertification, non-exempt family members must present a completed documentation form (to be provided by the Authority) of activities performed over the previous 12 months. This form will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.

If a family member is found to be noncompliant at recertification, he/she and the head of household will sign an agreement with the Authority to make up the deficient hours over the next twelve (12) month period.

5. Change in exempt status:

If, during the 12-month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the Authority and provide documentation of such.

If, during the 12-month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the Authority. The Authority will provide the person with the Recording/Certification documentation form and a list

of agencies in the community that provide volunteer and/or training opportunities.

D. AUTHORITY OBLIGATIONS

1. To the greatest extent possible and practicable, the Authority will:

- provide names and contacts at agencies that can provide opportunities for residents, including disabled, to fulfill their Community Service obligations. (According to the Quality Housing and Work Responsibility Act, a disabled person who is otherwise able to be gainfully employed is not necessarily exempt from the Community Service requirement); and
- provide in-house opportunities for volunteer work or self-sufficiency programs.

2. The Authority 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. The Authority will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use the Authority's Grievance Procedure if they disagree with the Authority's determination.

4. Non-compliance of family member:

- at least 30 days prior to annual recertification and/or Lease expiration, the Authority will begin reviewing the exempt or non-exempt status and compliance of family members;
- if the Authority finds a family member to be non-compliant, the Authority will enter into an agreement with the non-compliant member and the head of household to make up the deficient hours over the next 12 month period;
- if, at the next annual recertification, the family member still is not compliant, the Lease will not be renewed and the entire family will have to vacate, unless the non-compliant member agrees to move out of the unit;
- the family may use the Authority's Grievance Procedure to protest the Lease termination.

Chapter 16

GLOSSARY

I. TERMS USED IN DETERMINING RENT

ANNUAL INCOME (24 CFR 5.609)

Annual Income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12 month period following the effective date of initial determination or recertification of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section, or income that is specifically excluded by other federal statute. Annual Income includes:

The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.

The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.

Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

When the family has net family assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all net family assets, or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of Social Security or SSI benefits is dealt with later in this section.

Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.

All welfare assistance payments received by or on behalf of any family member. (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).

Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.

All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609)

Annual Income does not include the following:

- income from the employment of children (including foster children) under the age of 18 years;

- payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
- lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers' compensation) capital gains, and settlement for personal property losses;
- amounts received by the family that is specifically for or in reimbursement of the cost of medical expenses for any family member;
- income of a live-in aide, provided the person meets the definition of a live-in aide;
- the full amount of student financial assistance paid directly to the student or the educational institution;
- the special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- amounts received under HUD funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments and child care vouchers for the duration of the training;
- amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS);
- amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation and childcare, to allow participation in a specific program;
- amount received as a Resident Services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the Housing Authority, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
- incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program;
- temporary, non-recurring, or sporadic income (including gifts);
- reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and recertifications of income on or after April 23, 1993);
- earnings in excess of \$480 for each full-time student 18 years old or older, (excluding the head of household and spouse);
- adoption assistance payments in excess of \$480 per adopted child;
- the earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply;
 - comparable Federal, State or local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State or local law; (2) is funded by the

Federal, State or local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills;

- exclusion period means the period during which the resident participates in a program as described in this section plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end;
- earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job;
- deferred periodic payments from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 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;
- amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and/or
- amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion.

The following benefits are **excluded** by other Federal Statute as of August 3, 1937:

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;

Payments to volunteers under the Domestic Volunteer Service Act of 1973; examples of programs under this Act include but are not limited to:

- The Retired Senior Volunteer Program (RSVP)
- Foster Grandparent Program (FGP)
- Senior Companion Program (SCP)
- Older American Committee Service Program

National Volunteer Antipoverty Programs such as:

- VISTA
- Peace Corps
- Service Learning Program
- Special Volunteer Programs

Small Business Administration Programs such as:

- National Volunteer Program to Assist Small Businesses
- Service Corps of Retired Executives
- Payments received under the Alaska Native Claims Settlement Act

Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes.

Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]

Payments received under programs funded in whole or in part under the Job Training Partnership Act.

Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540).

The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC. 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior.

Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.

Payments received under programs funded under Title V of the Older Americans Act of 1965. [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association National Pro Personas Mayors, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In-Re Orange Product Liability litigation.

The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Childcare and Development Block Grant Act of 1990.

Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j).

Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94).

ADJUSTED INCOME

Annual Income, less allowable HUD deductions.

Under the Continuing Resolution, Housing Authorities are permitted to adopt other adjustments to earned income for residents of Public Housing, but must absorb any resulting loss in rental income.

All Families are eligible for the following:

Childcare Expenses

A deduction of amounts anticipated to be paid by the family for the care of children less than 13 years of age for the period for which the Annual Income is computed. Childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed, to further his/her education or to actively seek employment. Amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the Housing Authority when the expense is incurred to permit education or to actively seek employment.

Dependent Deduction

An exemption of \$480 for each member of the family residing in the household (other than the head or spouse, live-in aide, foster child) who is under 18 years of age or who is 18 years of age or older and disabled, handicapped, or a full-time student.

Handicapped Expenses

A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for handicapped family members where such expenses are necessary to permit family member(s), including the handicapped/disabled member to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work. Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for visually handicapped, and equipment added to cars and vans to permit use by the handicapped or disabled family member.

For Non-Elderly Families and Elderly Families without Medical Expense

The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less 3% of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For Elderly Families with Medical Expenses

3% of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

For Elderly and Disabled Families Only:

Medical Expenses

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

For Elderly Families without Handicapped Expenses

The amount of the deduction shall equal total medical expenses less 3% of Annual Income.

For Elderly Families with Both Handicapped and Medical Expenses

The amount of handicapped assistance is calculated first, and then medical expenses are added.

Elderly/Disabled Household Exemption

An exemption of \$400 per household.

II. GLOSSARY OF HOUSING TERMS

ACCESSIBLE DWELLING UNITS

When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40; (Uniform Federal Accessibility Standards) are “accessible” within the meaning of this paragraph.

ACCESSIBLE FACILITY

All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

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 (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

ADAPTABILITY

Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.

ADMISSION

Admission to the program is the effective date of the Lease. The point at which a family becomes a resident.

ALLOCATION PLAN

The plan submitted by the PHA and approved by HUD under which the PHA is permitted to designate a building, or portion of a building, for occupancy by elderly families or disabled families.

ANNUAL INCOME AFTER ALLOWANCES

The Annual Income (described above) less the HUD-approved allowances.

APPLICANT (or applicant family)

A family that has applied for admission to a program, but is not yet a participant in the program.

“AS-PAID” STATES

States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS

(See Net Family Assets.)

AUXILIARY AIDS

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 and activities.

CO-HEAD OF HOUSEHOLD

An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse, but not both. A co-head never qualifies as a dependent.

DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of time of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

DEPENDENT

A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a disabled person or handicapped person, or is a full-time student 18 years of age or older.

DESIGNATED FAMILY

The category of family for whom the PHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 housing Act. (24 CFR 945.105)

DISABILITY ASSISTANCE EXPENSE

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and or auxiliary apparatus for a disabled family member and that are necessary to enable a family member

(including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

DISABLED PERSON

A person who is any of the following:

- A person who has a disability as defined in Section 223 of the Social Security Act. (42 USC 423);
- A person who has a physical, mental, or emotional impairment that:
 - is expected to be of long-continued and indefinite duration;
 - substantially impedes his or her ability to live independently; and
 - is of such a nature that ability to live independently could be improved by more suitable housing conditions.

A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISABLED FAMILY

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

DISPLACED FAMILY

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

DOMESTIC VIOLENCE

Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

DOMICILE

The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY

Term means:

- Drug-trafficking; or
- Illegal use, or possession for personal use of a controlled substance [as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)].

DRUG TRAFFICKING

The illegal manufacture, sale, distribution or the possession with intent to manufacture, sell, or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY FAMILY

A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

ELDERLY PERSON

A person who is at least 62 years old.

ELIGIBLE FAMILY

A family is defined by the PHA in the Admission and Continued Occupancy Plan.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES

Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889, which exceeded 25% of the Annual Income. It is no longer used.

EXCESS MEDICAL EXPENSES

Any medical expenses incurred by elderly families only in excess of 3% of Annual Income, which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY

The higher of the two:

- 1) **A family whose income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.**
- 2) **The poverty guidelines established by DHS applicable to family size.**

FAMILY

The applicant must qualify as a family as defined by the Housing Authority.

FAMILY OF VETERAN OR SERVICEPERSON

A family is a “family of veteran or serviceperson” when:

The veteran or serviceperson

- a) is either the head of household or is related to the head of the household; or
- b) is deceased and was related to the head of the household, and was a family member at the time of death.

The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was

- a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or
- b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM)

The program established by a Housing Authority to promote self-sufficiency of assisted families, including the provision of supportive services.

FLAT RENT

An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family has a choice of paying the Flat Rent or the income based formula rent.

FOSTER CHILDCARE PAYMENT

Payment to eligible households by State, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT

A person who is attending school or vocational training on a full-time basis.

HANDICAPPED ASSISTANCE EXPENSES

Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members, which enable a family member (including the handicapped family member) to work.

HANDICAPPED PERSON

[Referred to as a Person with a Disability]. A person having a physical or mental impairment, which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

HEAD OF HOUSEHOLD

The person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY

A state, county, municipality or other governmental entity or public body authorized to administer the program. The term "Housing Authority" includes an Indian housing authority (IHA). ("Housing Authority" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

The Act in which the U.S. Housing Act of 1937 was re-codified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PLAN

A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the Block Grant Application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS)

The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 Programs.

HUD

The Department of Housing and Urban Development or its designee.

HUD REQUIREMENTS

HUD requirements for the Section 8 Program. HUD requirements are issued by HUD headquarters as regulations, Federal Register notices or other binding program directives.

HURRA

The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

IMPUTED ASSET

Asset disposed of for less than Fair Market Value during two (2) years preceding certification or recertification.

IMPUTED INCOME

HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

INCOME

Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY

Annual Income.

INCOME TARGETING

The HUD admissions requirement that Housing Authorities not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

INDIAN

Any person recognized as an Indian or Alaska Native by an Indian Tribe, the Federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA)

A housing agency established either:

- by exercise of the power of self-government of an Indian Tribe, independent of State law, or
- by operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES

The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON

Involuntarily Displaced Applicants are applicants who meet the HUD definition for the local preference, formerly known as a Federal preference.

LANDLORD

Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

LEASE

A written agreement between an owner and an eligible family for the leasing of a housing unit.

LIVE-IN AIDE

A person who resides with an elderly person or disabled person and who:

- is determined to be essential to the care and well being of the person;
- is not obligated for the support of the person; and
- would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE

A preference used by the Housing Authority to select among applicant families without regard to their date and time of application.

LOW-INCOME FAMILY

A family whose annual income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the voucher program, HUD may establish income limits higher or lower than 80 % of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

MARKET RENT

The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Voucher holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES

Those total medical expenses anticipated during the period for which Annual Income is computed, and which is not covered by insurance. (Only elderly families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

MINIMUM RENT

An amount established by the PHA between zero and \$50.00.

MINOR

A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MONTHLY ADJUSTED INCOME

1/12 of the annual income after allowances.

MONTHLY INCOME

1/12 of the annual income before allowances.

NEAR-ELDERLY FAMILY

A family, whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two (2) or more near-elderly persons living together and one (1) or more such persons living with one (1) or more live-in aides.

NET FAMILY ASSETS

The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

OCCUPANCY STANDARDS

Now referred to as Subsidy Standards. Standards established by a Housing Authority to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT

A family that has been admitted to the PHA program, and is currently assisted in the program.

PREMISES

The building or complex in which the dwelling unit is located including common areas and grounds.

PUBLIC ASSISTANCE

Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, State, or local governments.

PUBLIC HOUSING AGENCY (PHA)

A State, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian Housing Authority (IHA). ("PHA" and "PHA" mean the same thing.)

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998

The Act, which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 Assistance Programs.

RECERTIFICATION

Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if the family reports no interim changes.

REMAINING MEMBER OF TENANT FAMILY

Person left in assisted housing after other family members have left and become unassisted.

RESPONSIBLE ENTITY

For the Public Housing, Section 8 Tenant-Based Assistance, Project-Based Voucher Assistance and Moderate Rehabilitation Program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 Programs, the responsible entity means the Section 8 owner.

SECRETARY

The Secretary of Housing and Urban Development.

SECURITY DEPOSIT

A dollar amount which can be collected from the family by the owner upon termination of the Lease and applied to unpaid rent, damages or other amounts owed to the owner under the Lease according to State or local law.

SERVICEPERSON

A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON

A person living alone or intending to live alone who is not disabled, elderly, or displaced or the remaining member of a tenant family.

SPOUSE

The marriage partner of the head of the household.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

SUBSIDIZED PROJECT

A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association), which receives the benefit of subsidy in the form of:

- below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
- rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
- direct loans pursuant to Section 202 of the Housing Act of 1959; or
- payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
- payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency; and/or
- a Public Housing Project.

SUBSIDY STANDARDS

Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

TENANT

(Synonymous with resident) The person or persons who execute the Lease as lessee of the dwelling unit.

TENANT RENT

The amount payable monthly by the family as rent to the PHA.

TOTAL TENANT PAYMENT (TTP)

The total amounts the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT/HOUSING UNIT

Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

UTILITIES

Utilities mean water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE

The PHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no Utility Allowance. The Utility Allowance will vary by unit size and type of utilities.

UTILITY REIMBURSEMENT PAYMENT

The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VERY LARGE LOWER-INCOME FAMILY

Prior to the change in the 1982 regulations this meant a lower-income family, which included eight or more minors. (Term no longer used)

VERY LOW INCOME FAMILY

A low-income Family who's annual income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

VETERAN

A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY

Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

WAITING LIST

A list of families organized according to HUD regulations and PHA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments.

III. GLOSSARY OF TERMS USED IN THE NON-CITIZENS RULE

CHILD

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

CITIZEN

A citizen or national of the United States.

EVIDENCE

Evidence of citizenship or eligible immigration status means the documents, which must be submitted to evidence citizenship or eligible immigration status.

PHA

A Housing Authority- either a Public Housing Agency or an Indian Housing Authority or both.

HEAD OF HOUSEHOLD

The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD

Department of Housing and Urban Development.

INS

The U.S. Immigration and Naturalization Service.

MIXED FAMILY

A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

NATIONAL

A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NON-CITIZEN

A person who is neither a citizen nor national of the United States.

PHA

A Housing Authority who operates Public Housing.

RESPONSIBLE ENTITY

The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (the PHA).

SECTION 214

Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE

Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or “co-heads.” “Co-head” is a term recognized by some HUD programs, but not by Public and Indian Housing Programs.

Chapter 17

PROGRAM INTEGRITY ADDENDUM

INTRODUCTION

The Housing Authority is committed to assure that the proper level of benefits is paid to all tenants, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The Housing Authority will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously. This includes the use of all computer matching programs available through HUD and other state and federal agencies such as EIV and UIV, to determine eligibility, income and TTP at the time of all mandatory recertifications.

This Chapter outlines the Housing Authority's policies for the prevention, detection and investigation of program abuse and tenant fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the Housing Authority undertake an inquiry or an audit of a tenant family arbitrarily. The Housing Authority's expectation is that tenant families will comply with HUD requirements, provisions of the Lease, and other program rules. The Housing Authority staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the Housing Authority has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor tenants' Lease obligations for compliance and, when indicators of possible abuse come to the Housing Authority's attention, to investigate such claims.

The Housing Authority will initiate an investigation of a tenant family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips

The Housing Authority will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a tenant family is in non-compliance with, or otherwise violating the Lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the tenant file.

Internal File Review

A follow-up will be made if Housing Authority staff discovers (as a function of a recertification, an interim recertification, or a quality control review), information or facts, which conflict with previous file data, the Housing Authority's knowledge of the family, or is discrepant with statements made by the family.

Verification or Documentation

A follow-up will be made if the Housing Authority receives independent verification or documentation, which conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and tenant families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by tenant families.

Program Integrity Bulletins

This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the Housing Authority's expectations for cooperation and compliance.

Program Orientation Session

Mandatory orientation sessions will be conducted by the Site Manager for all prospective tenants either prior to or upon execution of the Lease. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them. (See Anti-Fraud Policy Attachment 7)

Resident Counseling

The Housing Authority will routinely provide tenant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and Explanation of Forms

Staff will explain all required forms and review the contents of all recertification documents prior to signature.

Use of Instructive Signs and Warnings

Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Tenant Certification

All family representatives will be required to sign a "Tenant Certification" form, as contained in HUD's Tenant Integrity Program Manual.

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The PHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews

Prior to initial certification, and at the completion of all subsequent recertifications, each tenant file will be reviewed. Such reviews shall include, but are not limited to:

- changes in reported Social Security numbers or dates of birth;
- authenticity of file documents;
- ratio between reported income and expenditures; and
- review of signatures for consistency with previously signed file documents.

Observation

The Housing Authority Management and Occupancy Staff (to include maintenance personnel) will maintain high awareness of circumstances, which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Public Record Bulletins

May be reviewed by Management and Staff.

State Wage Data Record Keepers

Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

Credit Bureau Inquiries

Credit Bureau inquiries may be made (with proper authorization by the tenant).

D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The Housing Authority staff will encourage all tenant families to report suspected abuse. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the tenant file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The Housing Authority will not follow up on allegations, which are vague or otherwise non-specific. The Housing Authority will only review allegations, which contain one or more independently verifiable facts.

File Review

An internal file review will be conducted to determine:

- if the subject of the allegation is a tenant of the Housing Authority and, if so, to determine whether or not the information reported has been previously disclosed by the family; and
- it will then be determined if the Housing Authority is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review

If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Executive Director or designee will initiate an investigation to determine if the allegation is true or false.

E. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the Housing Authority determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the Housing Authority will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries

In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity, which conflicts with the reported income of the family.

Verification of Credit

In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers

Employers or ex-employers may be contacted to verify wages, which may have been previously undisclosed or misreported.

Neighbors/Witnesses

Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the Housing Authority's review.

Other Agencies

Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records

If relevant, the Housing Authority will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate documents, marriage licenses, divorce decrees, uniform commercial code financing statements, voter registrations, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members

The Housing Authority will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment at the appropriate Housing Authority office. A high standard of courtesy and professionalism will be maintained by the Housing Authority staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA

Documents and other evidence obtained by the Housing Authority during the course of an investigation will be considered "work product" and will either be kept in the tenant file, or in a separate "work file." In either case, the tenant file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among Housing Authority Staff unless they are involved in the process, or have information, which may assist in the investigation.

G. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

H. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the Housing Authority will review the facts to determine:

- the type of violation. (procedural, non-compliance, fraud.);
- whether the violation was intentional or unintentional;

- what amount of money (if any) is owed by the tenant; and
- is the family eligible for continued occupancy.

I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the Housing Authority will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Non-Compliance

This category applies when the tenant “fails to” observe a procedure or requirement of the Housing Authority, but does not misrepresent a material fact, and there is no retroactive rent owed by the family. Examples of non-compliance violations are:

- failure to appear at a pre-scheduled appointment; and
- failure to return verification in time period specified by the Housing Authority.

Warning Notice to the Family

In such cases a notice will be sent to the family, which contains the following:

- a description of the non-compliance and the procedure, policy or obligation which was violated;
- the date by which the violation must be corrected, or the procedure complied with;
- the action which will be taken by the Housing Authority if the procedure or obligation is not complied with by the date specified by the Housing Authority; and
- The consequences of repeated (similar) violations.

Procedural Non-Compliance - Retroactive Rent

When the tenant owes money to the Housing Authority for failure to report changes in income or assets, the Housing Authority will issue a Notification of Underpaid Rent. This Notice will contain the following:

- a description of the violation and the date(s);
- any amounts owed to the Housing Authority;
- a 10 day response period; and
- the right to disagree and to request an Informal Hearing with instructions for the request of such hearing.

Tenant Fails to Comply with Housing Authority's Notice

If the tenant fails to comply with the Housing Authority's notice, and a material provision of the Lease has been violated, the PHA will initiate termination of tenancy.

Tenant Complies with Housing Authority's Notice

When a tenant complies the Housing Authority's notice, the staff person responsible will meet with him/her to discuss and explain the obligation or Lease provision, which was violated. The staff person will complete a Tenant Counseling Report, give one copy to the family and retain a copy in the tenant file.

Intentional Misrepresentations

When a tenant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an underpayment of rent by the tenant, the Housing Authority will evaluate whether or not:

- the tenant had knowledge that his/her actions were wrong, and
- that the tenant willfully violated the Lease or the law.

Knowledge that the Action or In-Action was Wrong

This will be evaluated by determining if the tenant was made aware of program requirements and prohibitions. The tenant's signature on various certification forms, briefing forms, Personal Declaration forms is adequate to establish knowledge of wrong-doing.

The Tenant Willfully Violated the Law

Any of the following circumstances will be considered adequate to demonstrate willful intent:

- an admission by the tenant of the misrepresentation;
- that the act was done repeatedly;
- if a false name or Social Security number was used;
- if there were admissions to others of the illegal action or omission;
- that the tenant omitted material facts, which were known to them (e.g., employment of self or other household member);
- that the tenant falsified, forged or altered documents; and
- that the tenant uttered and certified to statements at a rent recertification, which were later independently verified to be false.

The Tenant Conference for Serious Violations and Misrepresentations

When the Housing Authority has established that material misrepresentation(s) have occurred, a Tenant Conference will be scheduled with the family representative and the Housing Authority staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the Housing Authority. The purpose of such conference is to review the information and evidence obtained by the Housing Authority with the tenant, and to provide the tenant an opportunity to explain any document findings which conflict with representations in the tenant file. Any documents or mitigating circumstances presented by the tenant will be taken into consideration by the Housing Authority. The tenant will be given 10 days to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist the Housing Authority in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the Housing Authority will consider:

- the duration of the violation and number of false statements;
- the tenant's ability to understand the rules;
- the tenant's willingness to cooperate, and to accept responsibility for his/her actions;
- the amount of money involved;
- the tenant's past history;
- whether or not criminal intent has been established; and
- the number of false statements.

Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, the Housing Authority may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution

If the Housing Authority has established criminal intent, and the case meets the criteria for prosecution, the Housing Authority may:

- refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

Administrative Remedies

The Housing Authority may:

- terminate tenancy and demand payment of restitution in full; and
- permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with the Housing Authority's repayment policy.

Notification to Tenant of Proposed Action

The Housing Authority will notify the tenant of the proposed action no later than 10 days after the tenant conference by certified mail.

PHA ACOP ATTACHMENTS

1. HUD INCOME LIMITS
2. TENANT UTILITY ALLOWANCES
3. RESIDENTIAL LEASE AND LEASE ADDENDUM
4. DECONCENTRATION FORMULA – AVERAGE ANNUAL TENANT INCOME
5. SCHEDULE OF SPECIAL RESIDENT CHARGES
6. ROSTER OF HEARING OFFICERS
7. PUBLIC HOUSING ANTI-FRAUD POLICY
8. FLAT RENT SCHEDULE
9. SMOKE-FREE HOUSING LEASE ADDENDUM
10. ASSISTANCE ANIMAL POLICY
11. BARBEQUE AND FIRE PIT POLICY
12. PARKING POLICY STRATEGY
13. TENANT PARTICIPATION FUND POLICY
14. VAWA EMERGENCY TRANSFER PLAN
15. PHA RELOCATION PLAN