

***HOUSING AUTHORITY
OF THE CITY OF PERTH AMBOY***

**ADMISSIONS & OCCUPANCY POLICY
FOR PUBLIC HOUSING**

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Housing Authority of the City of Perth Amboy

ADMISSIONS & OCCUPANCY POLICY

TABLE OF CONTENTS

1.	Eligibility for Admission and Processing of Applications	
A.	Nondiscrimination.....	4
B.	Accessibility and Plain Language.....	6
C.	Marketing.....	7
D.	Waiting List Management.....	8
E.	Qualification for Admission.....	10
F.	Processing Applications for Admission.....	11
G.	The Preference System.....	12
H.	Applicant Selection Criteria.....	16
I.	Pre-Occupancy Orientation.....	21
J.	Resident Participation in the Intake Process.....	21
K.	Occupancy/Guidelines.....	21
2.	Tenant Assignment Plan	
A.	Plan.....	24
B.	Procedures.....	24
C.	Occupancy of Dwelling Units with Accessible Features.....	25
D.	Leasing and Occupancy of Dwelling Units.....	25
E.	Resident Transfers.....	29
3.	Eligibility for Continued Occupancy, Annual Re-examinations, and Remaining Family Members	
A.	Eligibility for Continued Occupancy.....	32
B.	Remaining Family Members and Prior debt.....	32
C.	Screening Remaining Family Members.....	33
D.	Periodic Re-examinations.....	33
E.	Verification Procedures.....	33
4.	Interim Rent Adjustments	
A.	Rent Adjustments.....	36
B.	Effective Date of Adjustments.....	37
C.	Failure to Report Accurate Information.....	37
D.	Failure to Provide Timely Information.....	37

5.	Lease Termination Procedures	
	A. Notice Requirements.....	38
	B. Record Keeping Requirements.....	38
6.	Charges for Excess Utilities and Damages	39
7.	Minimum Rents	39
8.	Flat Rents.....	40
9.	One Strike Policy.....	40
10.	Housekeeping Standards.....	41
11.	Deconcentration of Poverty Plan.....	43
12.	Community Service and Self-Sufficiency Requirements.....	43
13.	Income Exclusions.....	46
14.	Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005.....	47
15.	Defiant Trespasser Policy	49

APPENDIX

- A. Grievance Procedure**
- B. Application For Admission**
- C. Lease**
- D. One Strike Policy**
- E. Deconcentration Policy**

**Admissions and Occupancy Policy Governing HUD-Aided Low Rent Public
Housing Operated by the Housing Authority of the City of Perth Amboy**

**1. ELIGIBILITY FOR ADMISSION AND
PROCESSING OF APPLICATIONS**

A. Nondiscrimination

(1) It is the policy of the Perth Amboy Housing Authority (hereafter the HA) to comply with all applicable 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 the individual rights of tenants, applicants or staff that may subsequently be enacted. (Required 24 CFR § 960.203)

(2) The HA shall not discriminate because of race, color, sex, religion, familial status, disability, national origin in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the HA'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. (Required, 24 CFR § 100.5)

(3) The HA shall not, on account of race, color, sex, religion, familial status, disability, or national origin:

- (a) Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- (b) Provide housing which is different from that provided others;
- (c) Subject a person to segregation or disparate treatment;
- (d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- (e) Treat a person differently in determining eligibility or other requirements for admission;

- (f) Deny a person access to the same level of services; or
- (g) Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

(4) The HA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets, or families whose head or spouse is a student). Each applicant in a particular group or category must be treated on an individual basis in the normal processing routine. (24 CFR § 960.205)

(Under certain very specific conditions described in the Housing and Community Development Act of 1992, the HA is permitted to designate occupancy of certain developments for older persons (including elderly people with disabilities).

(5) The HA will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988 the HA will make structural modifications to its housing and non-housing facilities (24 CFR §§ 8.21, 8.23, 8.24, and 8.25) make reasonable accommodations (24 CFR § 100.204), or combinations of the two, to permit people with disabilities to take full advantage of the housing program.

In making reasonable accommodations or structural modifications for otherwise qualified persons with disabilities, the HA is not required to:

- (a) In an existing housing program, make each of its existing facilities accessible [24 CFR § 8.24 (a) (1)1; or make structural alterations when other methods can be demonstrated to achieve the same effect; [24 CFR § 8.24 (b)]
- (b) Make structural alterations that require the removal or altering of a load-bearing structural member [24 CFR § 8.32 (c)]
- (c) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level; [24 CFR § 8.26]
- (d) Take any action that would result in a fundamental alteration in the nature of the program ; [24 CFR § 8.24 (a) (2)]
- (e) Take any action that would result in an undue financial and administrative burden on the Authority. [24 CFR § 8.24 (a) (2)]

(6) The HA will not permit these policies to be subverted to do personal or political favors. Accepting an applicant from a lower waiting list position before one in a higher

position violates policy, federal law, and the civil rights of the other families on the waiting list. (24 CFR § 906. 204 (a)(3)(ii))

B. Accessibility and Plain Language

(1) Facilities and programs used by residents must be accessible. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms and so on must be available for use by residents with a full range of disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made so, subject to the undue financial and administrative burden test. (24 CFR § 8.20 and 8.21)

(2) Documents intended for use by applicants and residents will be made available in formats accessible for those with vision or hearing impairments (24 CFR § 8.6). Equally important, the documents should be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. If required by local law, documents may have to be translated into languages other than English.

(3) Some of the concepts that must be described relative to eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance are complicated, but offering examples will help applicants and residents understand the issues involved. In writing materials to be used by applicants and residents, the HA staff must keep in mind that mental retardation, learning disabilities and cognitive disabilities may affect the applicant's ability to read or understand - so rules and benefits may have to be explained verbally - perhaps more than once. (24 CFR § 8.6)

(4) At the point of initial contact the HA staff will ask all applicants whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials. (24 CFR § 8.6)

(5) Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on. The HA is not required to pay the costs associated with having a foreign language interpreter (as they are for a sign language interpreters for the hearing impaired [24 CFR § 8.61) because the Fair Housing law makes no such requirement (although, in some, localities, State or local law might do so).

(6) At a minimum the HA will prepare the following information (as needed) in plain language accessible formats:

- Marketing and informational materials
- Information about the application process
- The application form
- All form letters, notices, to applicants and residents
- General statement about reasonable accommodation
- Orientation materials for new residents
- The lease and house rules (if any)
- Guidance or instructions about care of the housing unit
- Information about opening, updating or closing the waiting list
- All information related to applicant's rights (to informal hearings, etc.)

C. Marketing

(1) It is the policy of the HA to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts will take into consideration the level of vacancy in the HA's units, availability of units through turnover, and waiting list characteristics. The HA will periodically assess these factors in order to determine the need for and scope of any marketing efforts. (Not a HUD requirement, the HA option, best practice)

(2) Marketing and informational materials will be subject to the following:

- (a) All marketing materials must comply with Fair Housing Act requirements with respect to wording, logo, size of type, etc. [24 CFR §109.30(a)];
- (b) Marketing should describe the housing units, application process, waiting list and preference structure accurately;
- (c) Marketing should be "plain language" and should use more than strictly English-language print media.
- (d) An effort should be made to target all agencies that serve and advocate for potentially qualified applicants (e.g. the disabled, to ensure that accessible/ adaptable units are used by people who can best take advantage of their features).
- (e) Marketing materials should make clear who is eligible: individuals and families, people with both physical and mental disabilities.
- (f) The HA's responsibility to provide reasonable accommodations to people with disabilities should be made clear.

D. Waiting List Management

It is the policy of the HA to administer its waiting list as required by the regulations. (24 CFR §§ 5, 912, 945, 960.201 through 960.215.)

(1) Organization of the Waiting List

It is the HA's policy that each applicant shall be assigned his/her appropriate place in a single Public Housing Application Pool. Placement on the various sub-lists shall be based upon date and time the application is received, suitable type or size of unit, and factors affecting preference or priority. Preference and priority factors are established in this policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1964 and Title VII of the Civil Rights Act of 1968 and the HUD regulations and requirements pursuant thereto. [24 CFR §§ 1.4 (b) (2) (ii) and 100; 24 CFR §§ 912.3, 945.303, 960.211, and 960.401]

The Executive Director or a designee shall review the accuracy of the preference points to assure proper placement on the list.

(2) Opening and Closing Waiting Lists

(a) The HA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The HA may open or close the list by preference category. See (c) below (24 CFR § 960.211).

(b) The HA will update the waiting list periodically by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by telephone or mail. (Not a HUD requirement, the HA optional best practice) At the time of initial intake, the HA will advise families of their responsibility to notify the HA when mailing address or phone numbers change.

(c) If the HA's highest waiting list preference category has sufficient applications to fill anticipated vacancies for the coming 12 months, the HA may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling unit [24 CFR 960.211(c)].

(d) Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a preference, and the ability of the HA to house an

applicant in an appropriate unit within a reasonable period of time [24 CFR 960.211(c)]. A decision to close the waiting the HA's, restricting intake, or opening the waiting lists will be publicly announced.

(3) Determining if the Waiting List may be Closed

Pursuant to the above conditions, the HA Board of Commissioners shall approve closure of the Waiting List. Announcements shall be posted at the HA Administrative Office.

(4) Change in Preference Status While on the Waiting List

(a) Occasionally families on the waiting list who did not qualify for a preference at the time of application intake will experience a change in circumstances that qualifies them for a preference. In such instances, it will be the family's duty to contact the HA so that their status may be rectified or, depending on application processing status, revived.

(b) To the extent that the HA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s), and their date and time of application. [24 CFR § 960.212 (c)(2)] They will then be informed in writing of how the change in status has affected their place on the waiting list.

(5) Removal of Applications from the Waiting List

(a) **Applicants who receive and accept an offer of public housing or section 8.**

(b) **Applicants who request to be removed from the waiting list.**

(c) Applicants shall be removed from the waiting list if they are determined to be ineligible for assistance (i.e. over-income, criminal record, ineligible alien, etc.).

(d) Applicants who fail to respond to a HA letter and otherwise fail to express continued interest shall be removed from the List.

(e) Inactive (ineligible or withdrawn) applications shall be retained by the HA for a period of three years from the date the application was determined inactive.

(f) Once an Applicant is removed from the Waiting List, the Applicant will be required to reapply and shall be assigned a new application date.

E. Qualification for Admission

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

- (a) Is a family as follows:
 - (1) A single person, who may be an elderly person, displaced person, disabled person, near elderly person or any other single person; or
 - (2) A group of persons residing together and such group includes but is not limited to a family with or without children; an elderly family; a near-elderly family; a disabled family; a displaced family; and the remaining member of a tenant family.
 - (3) The Authority will provide equal access regardless of sexual orientation, gender identity, or marital status.
- (b) Meet HUD's requirements on citizenship and immigration status; (24 CFR § 5.5 Subpart E)
- (c) Has an Annual Income at the time of admission that does not exceed the Low Income Limits for occupancy established by the Department of Housing and Urban Development, and posted in the HA offices. As per HUD requirements, 60 percent of admissions made within each HA fiscal year can not exceed 80% of median income. 40 percent of admissions during this same period must not exceed 30 percent of median income; (24 CFR § 960.202)
- (d) Provides a Social Security number for all family members; (24 CFR § 5.216 (a) (1))
- (e) Meets or exceeds the Applicant Selection Criteria set forth in Section 1. H. of these policies. (24 CFR § 960.205)

F. Processing Applications

(1) Interviews and Verification Process

- (a) As families approach the top of the waiting list, the following items will be verified:
 - (i) Family composition and type (Elderly/nonelderly)
 - (ii) Annual Income
 - (iii) Assets and Asset Income
 - (iv) Allowance Information
 - (v) Preferences
 - (vi) Social Security Numbers of all Family

- (vii) Information Used in Applicant Screening
- (viii) Citizenship or eligible immigration status

(b) The HA's shall obtain written third party verification to substantiate applicant or resident claims. Applicants must cooperate fully in obtaining or providing the necessary verifications.

(c) Verification of citizenship or eligible immigration status shall be carried out pursuant to 24 CFR § 5.5 Subpart E using the Immigration and Naturalization Service's (INS) SAVE system and, if needed, a manual search of INS records.

(2) Applicants Reporting Zero Income

Applicants reporting zero income will be asked to complete a family expense form. This form will be the first form completed in the interview process. The form will ask residents to estimate how much they spend on: food, beverages, transportation, health care, child care, debts, household items, etc. Applicants will be required to show verification of application, receipt, non-receipt, or ineligibility for all sources of income for which Housing Authority staff determine they may be eligible; including but not limited to welfare, unemployment, disability, pension, social security, alimony, and child support benefits.

(3) Records

The HA's records with respect to applications for admission to any low-income housing assisted under the United States Housing Act of 1937, as amended, shall indicate for each application the date and time of receipt; the determination by the HA as to eligibility or ineligibility of the applicant; when eligible, the unit size for which eligible, the preference rating, if any, and the date, location, identification, and circumstances of each vacancy offered and accepted or rejected.

G. The Preference System

It is the HA's policy that a preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list. Every applicant must still meet the HA's Resident Selection Criteria (described later in this policy) before being offered a unit. Preferences will be granted to applicants who are otherwise qualified and who, at the time they are certified for admission meet the definitions of the preferences described below.

(1) General Guidelines

(a) Applicants will be selected based on preferences and date and time of application.

(b) The HA will also offer units to existing residents on the transfer list. Some types of transfers are processed ahead of new admissions (e.g. emergencies) and some types of transfers are processed with new admissions using a ratio determined by the HA. (See Section 2. E. of this policy for processing of transfers with new admissions.)

(c) The HA will also offer unit to families with a court ordered admission (if applicable). Court ordered new admissions take priority over families with preferences.

(d) If there are no applicants on the waiting list(s) that qualify for the preferences, otherwise eligible non-preference families will be selected.

(e) The HA will not hold units vacant for prospective applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with either preferences.

(2) Family vs. Unit Characteristics

(a) Factors other than preferences that affect the selection of applicants from the waiting list [24 CFR § 960.211 (b)(1)] - Before applying its preference system, the HA 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 of families to those households whose characteristics "match" the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application, or ahead of families with preferences e.g. the next

unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool.

(b) Factors other than the preference system that affect applicant selection for unit offers are described below:

(1) When selecting a family for a unit with accessible features, the HA will give a preference to families that include persons with disabilities who can benefit from the unit's features.

(2) If no family can be found for a unit with accessible features, the HA will house a family not needing the unit features subject to the procedures described in the Tenant Selection and Assignment Plan, described later in this policy. Under this policy a non-disabled family in an accessible unit can be required to move so that a family needing the unit features can take advantage of the unit.

(3) Residents of Perth Amboy will be selected ahead of non-resident applicants. A resident is a person who lives or works in Perth Amboy.

(4) When selecting a family for a unit in public housing, elderly or disabled families and elderly and disabled single persons have preference over single persons who are neither elderly nor disabled.

(5) When there are insufficient elderly or disabled families on the waiting list, near-elderly families (head or spouse ages 50 to 61) will receive a preference for this type of unit over single persons.

(6) Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System. If permitted by the court order, the HA may offer the family a housing certificate or voucher.

(7) The HA may skip applicants on the waiting list if, in accordance with its deconcentration plan, it is necessary to reach a lower income family for a vacancy in a higher income building or development, or to reach a higher income family for a vacancy in a lower income building or development.

(3) Employment Preference:

(a) To receive the local employment preference the applicant family must have at least one family member, age 18 or older, employed at the time of the HA's offer of housing. Employment at the time of the offer must be for the 90 day period immediately prior to the offer of housing and provide a minimum of 20 hours of work per week for the family member claiming the preference.

(b) Employment periods may be interrupted but to claim the preference a family must have an employed family member prior to the actual offer of housing as described above.

(c) A family member that leaves a job after receiving benefit of the preference will be asked to document the reasons for the termination. Someone who quits work (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to the HA and will have their assistance terminated.

(d) The amount earned shall not be a factor in granting this local preference. This local preference shall also be available to a family if the head, spouse, or sole member is 62 or older, or is receiving social security disability, or SSI disability benefits, or any other payments based on the individual's inability to work.

PUBLIC HOUSING (May 10, 2016)

(4) Preference Point System

The application pool shall be divided into sub-lists according to bedroom size. On each list, applicants will be ranked according to the following:

- 1) Highest Points Accumulated
- 2) Time and Date of Application

Preferences (Waiting list remains open for preferences regarding section 8 applicants/residents and these preference require approval by the Exec. Director)

The Authority will limit the number of families admitted to public housing based on the preferences in categories A, B, and C to a combined total of no more than 10% of admissions per fiscal year.

- A) An individual or family residing in a legal rental unit in accordance with local and state ordinance who becomes displaced by fire, natural disaster, condemnation or eminent domain by a local or state agency, and for which such action was not the result of neglect or intentional act of the applicant or member of the household.
- B) Homeless or displaced as a result of domestic violence
- C) An individual or family who has been homeless for at least 12 consecutive months, or has been homeless more than once over the past three years for a combined period of 12 months; or an individual or family who is homeless and has a family member who is disabled or the homeless family is considered a special needs family

_____ (3 points)

Household member is a U.S. Veteran _____ (2 Point)
(engaged in active duty or has honorable or general discharge)

Working Family
(or age 62 or older, or disabled) _____ (1 Point)

2007 applications (zero/one BR only) _____ (2 points)

Perth Amboy Resident _____ (30 points)
(live or work)

PAHA Section 8 applicant/participant in need
of accessible housing (PAHA residents only) _____ (10 points)

TOTAL POINTS _____

(5) Administration of the Preferences

- (a) The HA requires applicant verification for a preference at the time of initial application.
- (b) At the time of initial application, the HA will use a preference checklist or other form to obtain the family's certification that it qualifies for a preference. At the initial application interview the family will be advised to notify the HA of any change that may affect their ability to qualify for a preference.
- (c) Applicants that are otherwise eligible and are verified as qualifying for a preference will be placed on the waiting list in the preference applicant pool.
- (d) Families that lose their original preference, but still qualify for another preference, will be placed on the waiting list in accordance with their current preference status. Families that cannot qualify for any of the preferences will be moved into a non-preference category, in a lower position on the waiting list based on date and time of application.

H. Applicant Selection Criteria

It is the HA's policy that all applicants should be screened in accordance with HUD regulations (24 CFR Part 960) and sound management practices. During screening the HA will require applicants 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:
 - (a) to pay financial obligations, especially rent, utility bills, and other charges as required by the lease in a timely manner;
 - (b) to care for and avoid damaging the unit and common areas;
 - (c) to use facilities and equipment in a reasonable way;
 - (d) to create no health, or safety hazards, and to report maintenance needs;
 - (e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;

(f) not to engage in criminal activity 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 HA premises;

(g) to comply with necessary and reasonable rules and program requirements of HUD and the HA; and,

(h) to comply with health and safety codes.

(2) Procedures

(a) The HA will conduct a detailed interview of all applicants using an interview checklist. The checklist is part of the screening procedures used in support of this policy. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification. [24 CFR §960 ... 206 (a) &(b)]

(b) The HA will complete a credit check and a rental history. check on all applicants. (Not a HUD requirement. the HA option, best practice)

(c) Payment of funds owed to the HA is part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. The HA will consider any past balances owed the HA by the applicant for any program that the HA operates. The HA expects these balances to be paid in full (either in a lump sum or over time) before initiating the full screening process. The HA will not admit families who owe back balances. (See § 960.205 (b)(1) (Not a specific HUD requirement. the HA option, best practice)

(d) The HA will complete a criminal background check on all applicants including other adult members in the household or any member for which criminal records are available. [24 CFR 960.205 (b)(3)] The cost of criminal background checks shall be paid for by the HA.

(i)- A record of disturbance of neighbors (disturbances 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. [24 CFR § 960.205 (b) (2)]

(ii)- Any history of criminal activity on the part of all applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents or staff or

cause damage to the unit or the development. (24 CFR § 960.205 (b) (3) and the Anti-Drug Act of 1988)

- (e) The HA is required to reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing program for drug related criminal activity. However, the HA at its discretion may admit the household if the HA determines that the circumstances leading to the eviction no longer exist.
- (f) The PHA is required to reject the application of a household if the HA determines that (24 CFR § 960.204):
 - i. Any household member is currently engaging in illegal use of a drug;
 - ii. The HA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - iii. Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or
 - iv. Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or
 - v. Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- (g) A home visit will be conducted to determine if the applicant's current housekeeping is in keeping with HS standards and to determine if the applicant is likely to uphold lease requirements regarding housekeeping and damage to the unit and common areas. This inspection will be done without prior notice to the applicant to avoid allowing the family to alter its normal living style to pass the inspection.
- (h) Applicants must be able to demonstrate the ability and willingness to comply with the terms of the HA's 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) Availability of assistance is subject to verification by the HA.

(3) Misrepresentations

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 rejection. [24 CFR § 913.109 (b) & § 760.3]

(4) Mitigating Circumstances

(a) 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. To be factored into the HA's screening assessment of the applicant, mitigating circumstances must be verifiable. [24 CFR §960.205(d)]

(b) Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified, would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, AND applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances may overcome or outweigh information already gathered in the screening process.

(c) If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the HA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. The HA 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.

(d) Examples of mitigating circumstances might include: (24 CFR § 960.205)

(i) Evidence of successful rehabilitation;

(ii) Evidence of the applicant family's participation in social service or other appropriate counseling service.

(iii) Evidence of successful and sustained modification of previous disqualifying behavior.

(e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. The HA 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

(i) the applicant's overall performance with respect to all the screening requirements; and,

(ii) the nature and seriousness of any criminal activity, especially drug

related criminal activity that appears in the applicant's record.

5. Qualified and Unqualified Applicants

(a) Verified information will be analyzed and a determination made with respect to:

Eligibility of the applicant as a family; (See 24 CFR § 912.2)

(i) Eligibility of the applicant with respect to income limits for admission; (See 24 CFR § 5.104 & 105)

(ii) Eligibility of the applicant with respect to citizenship or eligible immigration status; [24 CFR § 5.5 Subpart E]

(iii) Unit size required for the family;

(iv) Preference category (if any) to which the family is entitled; (24 CFR § 960.211)

(v) Qualification of the applicant with respect to the Applicant Selection Criteria. (See 24 CFR § 960.205)

(b) Families determined to be qualified will be notified by the HA of the approximate date of occupancy insofar as that date can be reasonably determined. [24 CFR § 960.207 (b)]

(c) Assistance to a family may 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 the HA procedures. [24 CFR § 5.5 Subpart E]

(d) The HA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the HA 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 HA, such as turnover rates, and market demands as they affect bedroom sizes and project location. [See 24 CFR § 960.207 (b)]

(e) Applicants determined unqualified for admission will be promptly notified. These applicants will receive a Notice of Rejection from the HA, stating the basis for such determination. The HA shall provide such applicants with an opportunity for informal review of the determination as described in Informal Review of Rejected Applications. The informal review for applicants

should not be confused with the resident grievance process. Applicants are not entitled to use of the resident grievance process. [24 CFR § 960.207(a)]

(f) Before the HA rejects as applicant on the basis of criminal history, the HA must notify the household of the proposed rejection and provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. (24 CFR § 960.205 (c))

I. Pre-Occupancy Orientation

Attendance at a pre-occupancy orientation meeting will be a requirement of admission. The HA orientation will include topics such as:

- rights and responsibilities of the HA and the resident;
- how rent is calculated;
- security issues, safety, risk control;
- risk control
- recertification requirements;
- the lease;
- the move-in inspection;
- care of the unit and how to request maintenance;
- reasonable accommodations for persons with disabilities
- services available in or near the development;
- the resident association;
- how to conserve utilities and read a utility bill; family budgeting.

J. Resident Participation in the Orientation Process

The HA's policy is to encourage resident participation in the orientation process. The HA shall work with the Tenants Association to welcome new tenants into the community. New tenants shall be provided with information related to the activities and role of the Tenants Association.

K. Occupancy Guidelines

(1) It is the HA's policy that units should be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear or underutilization.

(2) The following general unit maximum and minimum number of persons per unit will govern the assignment of a family of a given size and composition. These are only guidelines and the maximums may be exceeded at the request of the family, or because of the square footage of a specific unit:

Occupancy Guidelines Chart

Number of Bedrooms	Min Persons/Unit	Max Persons/Unit
OBR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10

(3) Exceptions to the maximum standards may be made in case of reasonable accommodations for a person with disabilities, emergencies, and at the discretion of the Executive Director or designee. Further, the HA has the right to permit families exceeding the maximums shown above to occupy units when the family requests such occupancy, and when the HA determines that the unit in question is large enough.

(4) In order to determine if a family's request to exceed the unit maximums is reasonable, the HA will use the applicable code standard for occupancy. If no such code exists or the HA has reason to believe that the local code standard may be discriminatory, then the BOCA housing code standard will be used.

(5) Families will not be placed on the waiting list for a larger unit unless there is a verifiable medical reason or reasonable accommodation that requires that the family be placed in a larger size unit.

(6) An unborn child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one bedroom unit. In assigning a unit the HA will also consider a child who is temporarily away from the home because of placement in foster care or kinship care.

(7) Dwelling units will be so assigned that:

(a) It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom. Exceptions may be made for infants and young children or at the request of the family.

(b) For verified reasons of health (disability, addition of a live-in aide, need for medical equipment, etc.), a separate bedroom may be provided for an individual family member.

- (c) Two children of the opposite sex will not be required to share a bedroom except at the request of the family.
 - (d) The living room will not be used as a bedroom except at the request of the family.
 - (e) A single head of household parent shall not be required (but may choose) to share a bedroom with his/her children. (Not a HUD requirement, the HA option)
- (8) When a family is actually offered a unit, if they no longer qualify for the unit size where they were sublisted, they will be moved to the appropriate sublist, retaining their preferences and date and time of application. This may mean they will have to wait longer for a unit offer.
- (9) At Hansen and Stack Apartments the occupancy policy is to place one person households into 0 bedroom units, and two person households into 1 bedroom units. If it is determined after a reasonable effort that no qualified two person household has been approved and available for occupancy, but a one person household is approved and waiting for an available unit, then the one person household may be placed into a one bedroom unit that is ready for occupancy.
- (10) Effective with October 1, 2011 admissions, applicants accepting a 0 BR unit will be asked to sign a form acknowledging they understand the Authority is not obligated to move them to a larger unit, and the probability they will receive a larger unit is very low.

2. TENANT ASSIGNMENT PLAN

A. Assignment Plan

The plan for assignment of dwelling units is to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin.

Plan A

Each qualified applicant first in sequence on the waiting list is made one offer of a unit of appropriate size. The applicant must accept the vacancy offered or be placed at the bottom of the applicant list, losing any applicable preferences. [24 CFR § 1.4 (b)(2)(ii) & (iii)]

B. Procedures

(1) The applicant will be notified in writing of the offer of a unit and must accept the vacancy offered within 3 working days of the date the offer is communicated or, be placed at the bottom of the applicant list, losing any applicable preferences. (See good cause discussion below.)

(2) If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that was ready for occupancy first. (Not a HUD requirement, the HA option)

(3) If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents to the satisfaction of the HA clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, sex, religion or national origin, the applicant will not be dropped from the list. [24 CFR § 1.4 (b)(2)(ii) & (iii)] Examples of good cause reasons for the refusal of an offer of housing include, but are not limited to:

(a) Presence of lead paint in the unit offered when the applicant has children under the age specified by current law;

(b) The family demonstrates to the HA'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. Reasons offered must be specific to the family. Refusals due to location alone are not good cause.

- (c) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members or live-in aide (each as listed on final application) necessary to the care of the principal household member;
 - (d) The unit is inappropriate for the applicant's disabilities.
 - (e) Other good cause at the discretion of the HA.
- (4) The applicant must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified to the HA's satisfaction, the refusal of the offer shall not require that the applicant be moved to the bottom of the waiting list or otherwise affect the family's position on the waiting list. [24 CFR § 85.42]
- (5) The HA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or rejection, including the reason for the rejection.

C. Occupancy of Dwelling Units with Accessible or Adaptable Features

[See: 24 CFR § 8.27 (a) (1) (2) and (b)L

- (1) Before offering a vacant accessible unit to a non-disabled applicant, the HA will offer such units:
- (a) First, to a current occupant of another unit of the same development, or other public housing developments under the HA's control, having a disability that requires the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from a non-adapted unit to the vacant accessible/adapted unit).
 - (b) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
- (2) When offering an accessible/adaptable unit to a non-disabled applicant, the HA 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. This requirement will be reflected in the lease agreement signed with the applicant.

D. Leasing and Occupancy of Dwelling Units

It is the HA's policy that all units must be occupied pursuant to a lease that complies with HUD's regulations (24 CFR Part 966).

- (1) Applicant folders will be processed centrally. Initial intake, waiting list management, screening, and offers of housing (including transfers) will be made at central office. Offers shall be made in person and in writing. (Not a HUD requirement, the HA option)
- (2) When offering units the HA will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location in the property. Staff making offers will be familiar with the HA's housing sites. If the offer of a unit is preliminarily accepted by the applicant, the manager of the property will be advised of the offer and will contact the applicant to set up a date to show the unit. (Not a HUD requirement, the HA option)
- (3) Once the unit is shown and the applicant accepts the unit, the HA will execute a lease. If the applicant refuses the unit, the reason for refusal must be obtained in writing from the applicant. The applicant must sign the refusal form. The form is then sent to central office for a "good cause" determination. No applicant will be expected to sign a lease for a unit that is not ready for occupancy. (Not a HUD requirement, the HA option, but see § 966,4 (i))
- (4) The HA will only show and lease units of the appropriate size. If an exception to the HA's occupancy standards is approved for the applicant this information will be noted.
- (5) Changes in family composition, income, or status between the time of the interview with the applicant and the showing of the unit, or between annual reexaminations will be processed centrally.
- (6) The lease shall be signed by the head and spouse and by the Executive Director or other authorized representative of the HA, prior to actual admission. (24 CFR @ 966.4 (P)) All inhabitants, regardless of age shall be listed on the Lease
- (7) If a resident transfers from one HA unit to another, a new lease will be executed for the dwelling into which the family moves. [24 CFR § 966.4 (c)(3)]
- (8) If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - (a) A new lease agreement will be executed, or
 - (b) A Notice of Rent Adjustment will be executed, or
 - (c) An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive

Director or other authorized representative of the Housing Authority. [24 CFR § 966.4 (o)]

(9) Only those persons listed on the most recent certification form shall be permitted to occupy a dwelling unit. [24 CFR §§ 960.209 (b) and 966.4 9 (a) (2)] Except for natural births to family members, any family seeking to add a new member must request approval in writing prior to the new member occupying the unit. [24 CFR § 966.4 (f)(3) & (c)(2)]

(10) Additions to the household - Following receipt of a family's request for approval, the HA will conduct a pre-admission screening of the proposed new member. Only new members approved by the HA following the screening process will be added to the household. The results of screening shall be used to determine whether or not to admit the new member. Children born to a family member, children under the age below which Juvenile Justice records are not made available who are adopted by a family member or who are added through a kinship care arrangement are exempt from the pre-admission screening process.

Other than a spouse to the head of household, additional adults will not be added to the lease even if the unit size is large enough to accommodate the additional adult. Exceptions may be made on a case by case basis by the Housing Authority. An example of such exception is the adult is necessary to care for a current family member.

Additional children will be added to the lease only if the leaseholder can verify the addition is for reason of birth, adoption, foster care, or some other form of legal guardianship by a current household member.

Any income shall be considered for rent determination purposes.”

The exemption age specified in this paragraph is subject to change should the State or locality modify its laws concerning the availability of police or court records for juvenile offenders. (Not a HUD requirement, the HA option, best practice)

(11) Examples of situations where the addition of a family member is subject to screening are: (Not a HUD requirement, the HA option, best practice)

(a) Resident plans to be married and files a request to add the new spouse to the lease;

(b) Resident is awarded custody of a child over the age for which juvenile justice records are available;

(c) Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).

- (d) A unit is occupied by a remaining family member(s) under age 18 (and not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.
- (e) Addition of another family member who is to stay on a temporary basis.
- (12) Residents who fail to notify the HA of additions to the household are in violation of the lease. Residents who permit persons to join the household without undergoing screening are also in violation of the lease. Such persons will be considered unauthorized occupants by the HA and the entire household will be subject to eviction. [24 CFR § 966.4 (f)(3)]
- (13) Family members over age 18 who move from the dwelling unit to establish new households shall be removed from the lease. [24 CFR § 966.4 (f)(3)] The resident has the responsibility to report the move-out within 30 calendar days of its occurrence. These individuals may not be added back into the household unless at the discretion of the HA it is determined a hardship will result to the family in not allowing the individual to return.
- (14) Overnight visitors may be permitted in a dwelling unit. Any guest remaining more than ten days must be immediately reported to the HA. The HA may permit temporary guests as necessary. Temporary guests shall not be added to the lease and no additional rent shall be collected. Temporary guests must use best efforts to find housing and shall not be permitted to remain in the unit for more than 30 days. The time limit may be extended at the discretion of the HA. Temporary guests shall not be permitted to apply for a transfer.
- (15) Resident will not be given permission to allow a former resident of the HA who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease. (Not a HUD requirement, the HA option)
- (16) Residents must advise the HA if they will be absent from the unit for more than 7 days. Residents are required to notify the HA and make arrangement to secure the unit and provide a means for the HA to contact the resident in the event of an emergency. Failure to advise the HA of an extended absence is grounds for termination of the lease. (Not a HUD requirement, the HA option)

(17) Live-in aides (including family members) are defined as follows: must be essential to the care and well-being of a resident; must not be obligated for support of the resident; and would not be living in the unit except to provide necessary support and services. A live-in aide (including family members) must meet this definition in order to be approved by the Housing Authority.

The requirements for a resident being permitted to have a live-in aide are as follows:

- The resident must supply a doctor's statement providing adequate information of resident's need for a live-in aide;
- Non-family members must demonstrate that they either have a license/certification or an appropriate reference from a previous or current employer showing that they have the appropriate skills and qualifications to act as a live-in aide;
- A family member acting as a live-in aide is exempt from the requirement of showing a license/certification or appropriate reference from a current employer. Nevertheless, the family member must show they have the appropriate skills and qualifications to act as a live-in aide upon the discretion of the Housing Authority management.
- Must have a criminal history check, housekeeping check, and other tenant screening requirements performed on all adult household members;
- Aides must sign a live-in aide statement;
- The aide will not qualify the resident for transfer to a larger unit;
- The aide's income will not be used to calculate the rent;
- The aide will not be entitled to continue occupancy of the unit as a remaining family member; and
- A resident must sign a live-in aide addendum to the lease.
- As to temporary aides, each temporary aide must sign in and sign out with the Housing Authority every day as practical. If the daily aide arrives or departs outside business hours, the daily aide must contact the Housing Authority the next day to advise of their time arrival/departure.

E. Resident Transfers

(1) It is the Housing Authority's policy that transfers will be made without regard to race, sex, sexual orientation, color, religion, national origin, or familial status. Residents can be transferred to accommodate a disability. (Required, 24 CFR § 100.5)

(2) Residents requesting a transfer to another unit or development are required to submit a written request for transfer.

(3) Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis. If the emergency will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list.

Transfers will be processed in the order listed below. Each transfer category indicates whether the transfer is mandatory on the part of the resident.

1. Emergency transfers (hazardous maintenance conditions) - Mandatory

- a. An emergency transfer is one where the dwelling unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants and where necessary repairs cannot be made within a reasonable time. (24 CFR 966.4(h))

2. High-priority transfers (threat of harm or criminal activity, and reasonable accommodation) - Not Mandatory

- a. When there is a verified threat of physical harm or criminal activity. Such circumstances may, at the Housing Authorities discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence dating violence, sexual assault, or stalking.
- b. When a family is a witness to a crime and may face reprisal.
- c. When there is an immediate threat to the tenant's health or in which tenant mobility would be severely restricted. Such circumstances may, at the Housing Authorities discretion, require documentation to explain in what ways the present dwelling is unsuitable, the type of new dwelling they require, and explain how the new dwelling will substantially improve the tenant's health or mobility. The documentation will vary according to the nature of the disability or medical condition, but can be provided by one or more of the following: A doctor, including a general practitioner, specialist or a psychiatrist/mental health worker. The Authority will evaluate the

documentation to ensure the criteria for granting a medical transfer is met before approving the transfer.

3. Transfers to make accessible units available - Mandatory

- a. When a family is initially given an accessible unit but does not require the accessible features, the Housing Authority may require the family to agree to move to a non-accessible unit when it becomes available (24 CFR 8.27(b)).

4. Demolition, Disposition, Revitalizations, Renovations or Rehabilitation transfers - Mandatory

- a. The Housing Authority will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished.

5. Occupancy standards (over housed and overcrowded families) - Mandatory

- a. The Housing Authority will transfer a tenant when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied. Overcrowded is when the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides. Over-housed is when the family no longer qualifies for the bedroom size in which they are living based on the Housing Authorities occupancy standards.

6. Higher income families to move into a building with no higher income families or that will otherwise assist the Housing Authority implement its deconcentration plan. – Not Mandatory

These transfers will be made voluntarily

7. Resident requested transfers (These transfers will be done at the sole discretion of the Housing Authority after considering the impact to the maintenance workload and occupancy rate of the affected development) - Not Mandatory

- a. When a family requests a larger bedroom size unit even though the family does not meet the Housing Authorities definition of overcrowded, as long as the family meets the occupancy standards for

the requested size unit. These transfers are rarely able to be accommodated. Effective with October 1, 2011 admissions, applicants accepting a 0 BR unit will be asked to sign a form acknowledging they understand the Authority is not obligated to move them to a larger unit, and the probability they will receive a larger unit is very low.

(4) Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date and time, **and also considering the size of the resident's current unit (for example transferring a resident from a four bedroom to a one bedroom before transferring a resident from a two bedroom to a one bedroom).**

(5) With the approval of the Executive Director, the Housing Authority may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis **or to correct a lease violation (for example a resident who is overcrowded has illegal boarders staying with them).**

(6) All transfer requests will be determined on a monthly basis depending on the availability of the appropriate size unit, and after considering the need for the transfer and the impact to the maintenance workload and occupancy rate of the affected development. The Authority is required to maintain an occupancy rate of 97 percent.

(7) **If a tenant who requests a transfer for medical reasons, requires a transfer to a larger unit, or is otherwise being offered a transfer for other than mandatory reasons and refuses a unit offered, their name shall be moved to the bottom of the transfer list and the date of the transfer application is changed to the date of the refusal.**

(8) If the tenant presents to the satisfaction of the Housing Authority clear evidence that acceptance of the unit offered will result in undue hardship not related to considerations of race, color, or national origin, refusal of such offer shall not be considered failure to accept the unit offered. **Refusal to transfer to a different development or to a development with an elevator (such as from Dunlap to Hansen/Stack), is not considered an undue hardship.**

(9) Tenants requiring a mandatory transfer that refuse a transfer without good cause will be referred for legal action to enforce compliance with the terms of the Dwelling

Lease. **Refusal to transfer to a different development or to a development with an elevator (such as from Dunlap to Hansen/Stack), is not considered good cause.**

(10) In order to be considered for a transfer, the tenant family must be in compliance with the terms and conditions of the Dwelling Lease. This shall include - full payment of rent and other charges; proper maintenance of apartment (housekeeping, sanitation, fire hazards, tenant damages); and has not caused disturbances. The Housing Authority will consider the previous 24 month period. Exceptions to this policy will be made for emergency transfers, or if it is in the Housing Authority's best interest to make the transfer.

(12) **Residents will be provided a 30 day notice of transfer when an appropriate unit becomes available.**

(13) When the addition of a child necessitates a transfer, the family will be placed on the transfer list effective on the date the addition of the child is reported to the Authority, and the family completes the required paperwork to add the child to the lease.

(14) Families shall not be split into two households. Entire families shall be transferred to an appropriate size unit. The family may be split into two households only in cases where the Authority does not have and will not have a unit large enough to accommodate the family. Exceptions may be made by the Executive Director based on extenuating circumstances.

(15) Cost of transfers - Residents shall bear the cost of transfers to correct occupancy standards. Mandatory transfers resulting from repair or modernization needs that were not caused by resident damage or negligence will be paid for by the Housing Authority.

3. ELIGIBILITY FOR CONTINUED OCCUPANCY.
ANNUAL RE-EXAMINATION AND REMAINING FAMILY MEMBERS

A. Eligibility for Continued Occupancy

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

(1) Qualify as a family as defined in Section 9 of this policy. (Note: For purpose of continued occupancy remaining family members qualify as family. Remaining family members can also include court ordered emancipated minors under the age of 18.)

- (2) Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
- (3) Whose family members each have Social Security numbers.
- (4) Whose family members are in compliance with HUD requirements on citizenship and immigration status. (24 CFR § 5.5 Subpart E)
- (5) Whose family members are in compliance with the HA's 8 hour community service requirements.
- (6) Remaining family members will only be eligible for continued occupancy if the head of household vacates the unit for reasons beyond their control, such as death or placement in a nursing home; as the result of divorce or separation of the head of household and spouse; or other good cause as determined by the Authority. If the head of household voluntarily vacates the unit, or is evicted by the Authority, all household members must also vacate.

B. Remaining Family Members and Prior Debt

(Not a HUD requirement, the HA option)

As a party to the lease, remaining family members (other than the head or spouse) 18 years of age or older will be responsible for arrearages incurred by the former head or spouse. At the HA's discretion it may choose not to hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18 if the HA determines it will create a hardship.

Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household if the HA determines it will create a hardship.

C. Screening of Remaining Family Members

Remaining family members shall be screened for eligibility in accordance with "Applicant Selection Criteria" contained in section 1(H) of this policy. Additionally, the Housing Authority reserves the right to reject a remaining family member's request for the continued occupancy of a unit if the Housing Authority believes the leaseholder put the remaining family member on the lease with the intent of vacating the unit and leaving the unit to the remaining family member.

D. Periodic Re-examination.

Regular Examinations The HA shall, at least once a year, re-examine the incomes of all resident families. [24 CFR § 960.209 (a)]. **Note:** The exception to this requirement is for families choosing to pay a flat rent. Families paying a flat rent are only required to have their income re-examined once every three years. The family is still required to sign a lease renewal once each year and to report changes in family composition.

E. Verification Procedures.

The HA will seek to obtain third party verification of family annual income, the value of assets, expenses related to deductions from annual income and other factors that affect the determination of adjusted income. However, if after four weeks a request for third party verification has not been returned, the HA will use other methods of verification including but not limited to copies of paychecks, copies of bank account statements, and receipts for expenses.

Special Re-examinations. When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular reexamination, a temporary determination will be made with respect to income and a special re-examination may be scheduled every 90 days until a reasonably accurate estimate of income can be made. The resident will be notified in advance as to the date for the special re-examination(s). Special re-examination shall also be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder. (Not a HUD requirement, the HA option)

Zero Income Persons reporting zero income may have their circumstances examined every 90 days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. This form will be the first form completed in the annual re-examination process. The form will ask residents to estimate how much they spend on: food, beverages, transportation, health care, child care, debts, household items, etc. Residents will then be asked how they pay for these items. (Not a HUD requirement, the HA option best practice)

Re-examination Procedures

- (a) At the time of re-examination, the head of the household will be required to sign an application for continued occupancy and other forms required by HUD.
- (b) Employment, income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be documented and filed in the resident's folder. Verification will include a HUD EIV income matching report. (24 CFR §960.206)

(c) Verified information will be analyzed and a determination made with respect to:

- (i) Eligibility of the resident as a family or as the remaining member of a family;
- (ii) Unit size required for the family;
- (iii) Rent the family should pay.

(d) Income shall be computed in accordance with the definitions and procedures set forth in this policy and prescribed by HUD. Income derived from participating in the HA's painter's apprenticeship program will not be counted for a period of 18 months from the participant's start date. Income of full time students employed by the Recreation Department during the summer will not be counted as income. [24 CFR § 913]

(e) Families failing to respond to the initial re-examination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation for failure to comply with the terms and conditions of occupancy required by the lease. Failure to comply will result in termination of the lease. [24 CFR § 966.4 (c)(2)]

Action Following Re-examination

(a) If there is any change 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)]

(b) If any change in the unit size is required, the resident will be place on a transfer list in accordance with the transfer criteria described earlier in this policy and moved to an appropriate unit when one becomes available. 24 CFR § 966.4 (c)(3)]

Tenants will be required to show verification of application, receipt, non-receipt, or ineligibility for all sources of income for which Housing Authority staff determine they may be eligible; including but not limited to welfare, unemployment, disability, pension, social security, alimony, and child support benefits.

4. INTERIM RENT ADJUSTMENTS

A. Rent Adjustments

(1) Residents must report all changes in family composition, status, or income to the HA within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent charge. Residents choosing a flat rent or who are paying a ceiling rent are not required to report changes in income unless they are requesting to return to an income based rent.

Examples of changes, which must be reported are: increases in income resulting from a change in employer, job title, part-time to full-time employment, an adult family member previously unemployed obtains employment, all income received by a new family member, any new unearned income received on behalf of any family members - children or adults.

(2) Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of the circumstances of their employment including start and ending dates. (Not a HUD requirement, the HA option, best practice)

(3) The HA will process an interim adjustment in rent if it is found that the resident at an annual or interim re-examination has misrepresented the facts upon which the rent is based so that the rent the Resident is paying is less than the rent that he/she should have been charged. The HA will apply any increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred. (Not a HUD requirement, the HA option, best practice)

(4) Complete justification and verification of the circumstances applicable to rent adjustments must be documented by the resident. [24 CFR § 960.2061

(5) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

(6) Residents granted a reduction in rent under these provisions may be required to report for special re-examinations at intervals determined by the HA. Reporting is required until the circumstances cease or until it is time for the next regularly scheduled re-examination, whichever occurs first. If family income increases during this time, the rent will be increased accordingly. A fully documented record of the circumstances and decisions shall be included in the resident's folder. (Not a HUD requirement, the HA option best practice)

(7) Residents who receive welfare assistance and have their grant reduced or terminated due to fraud, non-compliance with welfare work or economic self-sufficiency program will not be entitled to any decrease in rent.

B. Effective Date of Adjustments

- (1) Residents will be notified in writing of any rent adjustment and such notice will state the effective date of the adjustment. (Not a HUD requirement, the HA option best practice)
- (2) Rent decreases go into effect the first of the month following the reported change, provided the change in income or circumstances was reported within the month in which it occurred.
- (3) Rent increases (except those due to misrepresentation) will be effective after 30 days notice (the first day of the 2nd. following month)

C. Failure to Report Accurate Information

If it is found the resident has misrepresented or failed to report to the HA the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with the HA's dwelling lease. [24 CFR § 966.4 (c)(2)]

D. Failure to Provide Timely Information

Increases in rent will be charged retroactively to the tenants account if the reexamination is done late due to the tenants failure to comply with reexamination procedures in a timely manner.

5. LEASE TERMINATION PROCEDURES

It is the HA's policy that no resident's lease shall be terminated except in compliance with applicable HUD regulations (24 CFR § 966.4 0)(2) and the lease terms.

A. Notice Requirements

(1) No resident shall be given a Notice of Lease Termination without first having been given a written 30 day notice to cease providing a chance to correct the lease violation. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish. Certain actions are excluded from the Notice to Cease and Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or the HA employees; and any drug-related criminal activity on or near such premises. [24 CFR § 966.4 0)(3)]

(2) Notices of lease termination can be served personally, and if posted to the apartment door, shall also be sent to the resident by Certified Mail. Return of the Certified Mail receipt, whether signed or unsigned shall be considered to be proof that the resident received proper notification. (Not a HUD requirement, the HA option best practice)

B. Record keeping Requirements

A written record of every termination and/or eviction shall be maintained by the HA, and shall contain the following information: (Not a HUD requirement, the HA option best practice)

- (1) Name of resident, number and identification of unit occupied;
- (2) 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;
- (3) Specific reason(s) for the Notices, with section of the lease violated, and other facts pertinent to the issuing of the Notices described in detail;
- (4) Date and method of notifying resident (i.e. Certified, hand delivered);
- (5) Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

6. CHARGES FOR EXCESS UTILITIES AND DAMAGES

A. Excess Utility Charges

Residents in units where the HA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit (e.g. window air conditioners). This charge shall be applied as specified in the lease [24 CFR § 966.4 (b)(2)] and in accordance with the HA's "Schedule of Charges".

B. Charges for Damages

Charges shall be imposed for damages that are due to vandalism, neglect, carelessness or violation of rules and regulations of the family lease. No charge shall be made for reasonable wear and tear. Charges shall be imposed in accordance with the HA "Schedule of Charges"

7. MINIMUM RENTS

The HA shall charge a minimum rent of \$50.00

Exceptions To Minimum Rents.

The HA shall grant an exception to the minimum rent requirements if the resident can demonstrate a hardship circumstance expected to be of a long-term basis (over 90 days) as follows:

- (1) The family has lost eligibility for or is awaiting on eligibility determination for a Federal, State or local assistance program.
- (2) The family would be evicted as a result of the imposition of the minimum rent;
- (3) The income of the family has decreased because of changed circumstance, including loss of employment,
- (4) A death in the family has occurred,
- (5) Other circumstances determined by the HA on a case by case basis.

Any resident requesting exception to the minimum rent will have the rent suspended until a determination is made. After the determination, if exception is not granted, the rent will be charged retroactively. If the HA determines the hardship is expected only to be temporary (less than or equal to 90 days) eviction will not be pursued during this period. The resident will be given an opportunity to enter into a repayment

agreement for monies owed. If no hardship is substantiated, the resident will be required to pay the minimum rent including any retroactive rent that accrues during the period of review. If the exception is granted, the resident's account will be credited back to the date of the request except for residents charged a minimum rent between October 21, 1998 and February 1999 when this HUD regulation went into effect. Those families are eligible for credit back to October 21, 1998.

All decisions made in this regard are subject to the grievance procedures.

8. FLAT RENTS

Flat rents shall be established for all units based on a rent comparability survey. Flat rents will be reviewed and adjusted periodically. Flat rents are as follows:

0 bedroom	\$ 631
1 bedroom	\$ 702
2 bedroom	\$ 956
3 bedroom	\$1191
4 bedroom	\$1429
5 bedroom	\$1429

Upon adoption of this policy, residents will be notified of their right to request to pay a flat rent instead of an income based rent. After this initial implementation period this option will be offered once each year at reexamination, or at the request of the resident.

A resident may request to return to paying an income based rent if there has been a financial hardship on the family or if the resident feels they can no longer afford the flat rent.

Residents waiting for a transfer to a smaller unit will pay a flat rent based on the smaller unit size for which they are waiting. If the family paying the lower flat rent refuses a reasonable offer to transfer to a smaller unit, their rent will be returned to the lower of the flat rent for the actual unit size they occupy or 30 % of adjusted income.

9. ONE STRIKE POLICY

The HA's One Strike Policy shall be contained in the appendix to this policy.

10. HOUSEKEEPING STANDARDS

In an effort to improve the livability and conditions of the apartments owned and managed by the Authority, uniform standards for resident housekeeping have been developed for all tenant families.

- (a) Authority Responsibility: The standards that follow will be applied fairly and uniformly to all Tenants. The Authority will inspect each unit at least annually, to determine compliance with the standards. Upon completion of an inspection, the Authority will notify Tenant in writing if he/she fails to comply with the standards. The Authority will advise Tenant of the specific correction(s) required to establish compliance. Within a reasonable period of time, the Authority will schedule a second inspection. Failure of a second inspection will constitute a violation of the lease terms.

- (b) Tenant responsibility: Tenant is required to abide by the standards set forth below. Failure to abide by the Housekeeping Standards that results in the creation or maintenance of a threat to health or safety is a violation of the lease terms and can result in eviction.

- (c) Housekeeping Standards: Inside the Apartment
 - General--
 - (1) Walls: should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.
 - (2) Floors: should be clean, clear, dry and free of hazards.
 - (3) Ceilings: should be clean and free of cobwebs.
 - (4) Windows: should be clean and not nailed shut. Shades or blinds should be intact.
 - (5) Woodwork: should be clean, free of dust, gouges, or scratches.
 - (6) Doors: should be clean, free of grease and fingerprints. Doorstops should be present. Locks should work.
 - (7) Heating units: should be dusted and access uncluttered.
 - (8) Trash: shall be disposed of properly and not left in the unit.
 - (9) Entire unit should be free of rodent or insect infestation.

 - Kitchen--
 - (1) Stove: should be clean and free of food and grease.
 - (2) Refrigerator: should be clean. Freezer door should close properly and freezer have no more than one inch of ice.
 - (3) Cabinets: should be clean and neat. Cabinet surfaces and countertop should be free of grease and spilled food. Cabinets should not be overloaded. Storage under the sink should be limited to small or lightweight items to permit access for repairs. Heavy pots and pans should not be stored under the sink.

- (4) Exhaust Fan: should be free of grease and dust.
- (5) Sink: should be clean, free of grease and garbage. Dirty dishes should be washed and put away in a timely manner.
- (6) Food storage areas: should be neat and clean without spilled food.
- (7) Trash/garbage: should be stored in a covered container until removed to the disposal area.

Bathroom--

- (1) Toilet and tank: should be clean and odor free.
- (2) Tub and shower: should be clean and free of excessive mildew and mold. Where applicable, shower curtains should be in place, and of adequate length.
- (3) Lavatory: should be clean
- (4) Exhaust fans: should be free of dust.
- (5) Floor: should be clean and dry.

Storage Areas--

- (1) Linen closet: should be neat and clean..
- (2) Other closets: should be neat and clean. No highly flammable materials should be stored in the unit.
- (3) Other storage areas: should be clean, neat and free of hazards.

(d) Housekeeping Standards: Outside the Apartment

The following standards apply to family and scattered site development only; some standards apply only when the area noted is for the exclusive use of Tenant:

- (1) Yards: should be free of debris, trash, and abandoned cars. Exterior walls should be free of graffiti.
- (2) Porches (front and rear): should be clean and free of hazards including snow and ice. Any items stored on the porch shall not impede access to the unit.
- (3) Steps (front and rear): should be clean, and free of hazards including snow and ice.
- (4) Sidewalks: should be clean and free of hazards including snow and ice.
- (5) Storm doors: should be clean, with glass or screens intact.
- (6) Parking lot: should be free of abandoned cars. There should be no car repairs in the lots.
- (7) Hallways: should be clean and free of hazards.
- (8) Stairwells: should be clean and uncluttered.
- (9) Laundry areas: should be clean and neat. Remove lint from dryers after use.
- (10) Utility room: should be free of debris, motor vehicle parts, and flammable materials.

11. Deconcentration of Poverty Plan

Delaney, Dunlap, Otlowski, Dzema, Sofield (Hansen and Stack are excluded as per HUD regulation)

In accordance with 24 CFR 903.2 the Housing Authority each year must determine the average income of all households living within the five family development sites. The average income is then adjusted for unit sizes according to a HUD formula. Finally, an established income range of between 85% and 115% is calculated. Next, the Authority must determine the average income of all households living at each development. An adjustment for unit size is made, and an adjusted average income is determined for each site.

A comparison is then made to determine if the adjusted average income of each site is below, within, or above the established income range for all the sites combined. Any sites below or above this range will require a policy to bring the average income within the established income range, unless the Housing Authority provides proper justification to HUD explaining the difference(s). If a particular site has an average income that is above the established income range, but that average income is at or below 30% of the area median income, then no corrective action is needed.

The results of this annual analysis will be attached to this policy as an appendix, along with a plan of correction if needed.

12. Community Service and Self Sufficiency Requirements

A. Background

The Quality and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self sufficiency and economic independence. This is a requirement of the Public Housing Lease.

B. Definitions

Community Service – volunteer work 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 clean-up programs, beautification programs, other youth or senior organizations;
- 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
- 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
- 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 or disabled person;
- Is working at least 30 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 activity, or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The Authority will make the determination of whether to allow or disallow a deviation from the schedule.
3. Activities must be performed within the community and not outside the jurisdictional area of the Authority.
4. Family obligations
 - At lease execution or re-examination 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 no renewal of their lease.
 - On a monthly basis, non exempt family members must present a completed documentation form (to be provided by the Authority) of activities performed for that month. 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, during re-examination, 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 twelve (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 twelve (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 (when available) 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 obligation. (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 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. Resident may use the Authority's Grievance Procedure if they disagree with the Authority's determination.
4. Noncompliance of family member:
 - At least thirty (30) days prior to annual re-examination 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 noncompliant, the Authority will enter into an agreement with the noncompliant with the noncompliant member and the Head of Household to make up the deficient hours over the next twelve (12) month period;
 - If, at the next annual re-examination, the family member still is not compliant, the lease will not be renewed and the entire family will have to vacate, unless the noncompliant member agrees to move out of the unit;
 - The family may use the Authority's Grievance Procedure to protest the termination.

13. Income Exclusions

The Housing Authority currently has no established income exclusions other than those mandated by HUD.

14. **Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005.**

Section 607 amends public housing admissions (Sec.6(c)) and lease (Sec. 6(1)) provisions under Section 6 of the US Housing Act of 1937 to provide new benefits to victims of domestic violence, dating violence, and stalking. In addition, this section creates a new Section 6(u) that would establish certification for the application of termination protections and provides for the confidentiality of that information.

Implementation

- *Selection:* That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission of an otherwise qualified applicant. Nothing in this section supersedes a Federal, State, or local law that provides greater protection for victims.
- *Lease Terms Regarding Termination:* An incident or incidents of actual or threatened 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 assistance, tenancy, or occupancy rights of the victim of such violence.
- *Termination of Assistance/Eviction:* Criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.
- The PAHA may bifurcate the lease to terminate assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without terminating assistance/evicting victimized lawful occupants.
- The PAHA is authorized to honor court orders regarding rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among household members in cases where a family breaks up.
- Nothing limits the ability of the PAHA to evict for other good cause unrelated to the incident or incidents of domestic violence, provided that the victim is not subject to a "more demanding standard" than non-victims.

- Nothing is to prohibit eviction if the PAHA “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s tenancy is not terminated.”
- Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence dating violence, or stalking.

Certification and Confidentiality

- The PAHA may request that an individual certify via HUD-approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the statute. Such certification shall include the name of the perpetrator.
- The individual shall provide such certification with 14 business days after the PAHA requests such certification in writing. If the certification is not received within 14 business days of the written request, nothing would limit the PAHA’s ability to evict. The PAHA may extend the 14 day deadline at their discretion.
- Alternatively, an individual may satisfy the certification requirement by
 1. providing documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, 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, or stalking has signed or attested to documentation; or
 2. producing a Federal, State, tribal, territorial, or local police or court record.
- Confidentiality: Information provided by the victim pursuant to the certification shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the disclosure is consented to by the individual in writing, required for use in eviction proceedings, or otherwise required by law.

15. Defiant Trespasser Policy

The Authority recognizes that in addition to assuring that its tenants do not engage in criminal activities, non-residents known to engage in such activities also pose a potential threat to the health, safety, or right to peaceful enjoyment of its tenants and staff. Access to Authority owned properties are appropriate only for its residents, invited guests of residents, and those conducting official business on behalf of or concerning the Authority and/or its residents. Therefore, the Authority requires visitors to have a legitimate purpose for coming on the Authority's properties and will forbid non-residents (including former residents evicted or whose Residential Lease Agreements were duly terminated for engaging in criminal activities that threatened the health, safety, or right to peaceful enjoyment of other residents and staff) from wandering onto or through its properties.

Pursuant to (1) N.J.S.A. 2C:18-3 (b) Defiant Trespasser, a person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by: (3) Actual communication to the actor; or (2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or fencing or other enclosure manifestly designed to exclude intruders.

The Authority will consider as Defiant Trespassers individuals (and former residents evicted or whose Residential Lease Agreements were duly terminated for engaging in the activities listed below) who:

- has any history of criminal activity involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development
- has been evicted from assisted housing within the last three years for drug related criminal activity
- engages in illegal use of a drug on Authority property
- the Authority has reasonable cause to believe that the individual's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by our residents and staff.
- has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing
- is subject to a lifetime registration requirement under a State sex offender registration program

- abuses or pattern of abuse of alcohol threaten the health, safety, or right to peaceful enjoyment of the premises by our residents and staff.

The Authority will maintain a Defiant Trespasser List (or “Ban List”) and notify law enforcement of the names and addresses of persons placed on the list after the banned person is given an opportunity to challenge his or her placement on the List. An individual will have seven calendar days from the date of the formal written notice to request in writing a review of the decision to place the individual on the ban list. Final decision for placement on the list will be determined by the Executive Director.

Appendix A
Grievance Procedure

Appendix B
Application for Admission

Income and Employment Data:

List all income for all family members. Income could include: employment income; TANF (formerly AFDC); Social Security; SSI; Pensions; Unemployment Benefits; Workmen's Compensation; Child Support; Alimony; Veterans Benefits; Other

Family Member	Income Source	Gross Amount	weekly, bi-weekly, monthly, annual
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	

Asset Information:

List all assets - Bank Accounts, Cash, Real Estate, Bonds, Insurance Policy Cash Value, Money Market Account, etc.

Asset	Amount/Value	Interest Rate	Annual Income from Asset
	\$		\$
	\$		\$
	\$		\$
	\$		\$

Automobiles owner by family members:

Family Member	Make/Model	Year	Approximate Value
			\$
			\$
			\$

Family Members over the age of 18, attending school as a full-time student

Family Member	School	Anticipated Graduation Date

Do you need a specially designed accessible unit due to a handicap? () Yes () No.

Is any family member pregnant? () Yes () No Who? _____

Were you ever evicted from Public Housing? () Yes () No

If yes, what agency? _____

Do you owe any money to a Federally Assisted Housing Program or have you had your housing assistance terminated? () Yes () No

If yes, what agency? _____

Is any family member participating in a government funded employment training program, such as: Family Development Program (FDP), Job Training Partnership Act (JTPA), etc.? () Yes () No

If yes, who? _____

Is any family income received for foster or adopted children? () Yes () No

For Who? _____ How Much? \$ _____

Are you a U.S. citizen? () Yes () No

Are any family members non- U.S. citizens? () Yes () No If yes, who? _____

Are any children currently in foster care? () Yes () No Who? _____

Do you or any household members use or sell illegal drugs? () Yes () No

Residence / Landlord History:

You must list the addresses where you have lived for the last 5 years.

1) Current Address: _____

City, State, Zip _____

Lived here from / / to / / Is your name on the lease: () Yes () No

Current Landlord Name: _____ Phone: () _____

Landlord's Address: _____

City, State, Zip _____

2) Previous Address: _____

City, State, Zip _____

Lived here from / / to / / Was your name on the lease: ()Yes () No

Landlord's Name: _____ Phone: () _____

Address: _____ City _____ State _____ Zip _____

3) Previous Address: _____

City, State, Zip _____

Lived here from / / to / / Was your name on the lease: ()Yes () No

Landlord's Name: _____ Phone: () _____

Address: _____ City _____ State _____ Zip _____

4) Previous Address: _____

City, State, Zip _____

Lived here from / / to / / Was your name on the lease: ()Yes () No

Landlord's Name: _____ Phone: () _____

Address: _____ City _____ State _____ Zip _____

5) Previous Address: _____

City, State, Zip _____

Lived here from / / to / / Was your name on the lease: ()Yes () No

Landlord's Name: _____ Phone: () _____

Address: _____ City _____ State _____ Zip _____

I certify that all information provided is accurate and complete to the best of my knowledge. I understand that giving false information on this application is a federal crime, will result in rejection of this application, and may result in 5 years in jail or a \$10,000 fine.

I also acknowledge that I have received a copy of the Housing Authority's One Strike Policy.

Signature of Applicant / Head of Household

Date

Signature of Co-Applicant / Spouse

Date

FEDERAL SELECTION PREFERENCES

INVOLUNTARY DISPLACEMENT - Check off the items that apply.

- The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing or within no more than six months from the date of preference status certification by the family or verification by HA the applicant will be involuntarily displaced.
- An applicant is or will be involuntary displaced if the applicant has vacated or will vacate (as describe above) his or her housing unit as a result of one or more of the following actions:
 - A disaster, such as flood or fire results in the uninhabitability of an applicant's unit;
 - Activity carried on by an agency of the United States, or by any State or local governmental body or agency in connection with code enforcement, or a public improvement program, or development program;
 - Action by a housing owner that forces an applicant to vacate his/her unit, provided:
 - The reason for the owner's action is beyond an applicant's ability to control or prevent;
 - The action occurs despite the applicant's having met all previously imposed conditions of occupancy, and the action taken is other than a rent increase. Examples of actions taken by a housing owner that cause an applicant to vacate a unit include BUT ARE NOT LIMITED TO:
 - Conversion of the unit to non-rental or non-residential use; Closing of the unit for rehabilitation or any other reason;
 - Notice to an applicant that he/she must vacate a unit for the owner's personal or family use or occupancy;
 - Sale of the unit in which the applicant resides under an agreement to vacate when possession is transferred;
 - Any other legal act that results or will result in the withdrawal of the unit by the owner from the rental market.

An applicant is also involuntary displaced if--

- The applicant has vacated his/her housing unit as the result of actual or threatened physical violence directed against the applicant or one or more members of the applicant's family by a spouse or other member of the applicant's household.
- The applicant lives in a housing unit with an individual who engages in such violence.
- Family members provided information on criminal activities to a law enforcement agency and based on a threat assessment, the agency recommends rehousing the family to avoid violence against family members as a reprisal for providing such information. (NOTE: The HA will establish appropriate safeguards to protect the identity of families requiring this type of protection.)
- One or more members of the applicant family have been victims of one or more hate crimes"; and the family has vacated a housing unit because of such a crime or the fear associated with such a crime. Hate crime means: actual or threatened physical violence or intimidation that is directed against a person or

his or her property because of the person's race, color, religion, sex, national origin, handicap, or familial status. This would include hate crimes committed because of a person's race, religion, sexual orientation, etc.

() A member of the family has a mobility or other impairment that makes the person unable to use a critical element of his/her unit. This category of displacement applies only when the owner is not legally obligated to make changes to the unit that would make the critical element accessible to the person with disabilities as a reasonable accommodation.

I believe that I qualify for an Involuntary Displacement Preference for the reasons checked above. This information is accurate and complete to the best of my knowledge.

Signature

Date

SUBSTANDARD HOUSING - Check off the items that apply.

A unit is substandard if it:

() Does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family; or

() Has one or more critical defects, or a combination of intermediate defects in sufficient number and extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure.

() Does not have operable indoor plumbing

() Does not have a usable flush toilet inside the unit for the exclusive use of a family (This element of the definition of substandard would not apply to multi-generation families or families doubled up in otherwise adequate units.)

() Does not have a usable bathtub or shower inside the unit for the exclusive use of the family

() Does not have electricity, or has inadequate or unsafe electrical service

() Does not have a safe or adequate source of heat

() Should, but does not, have a kitchen; or

() Has been declared unfit for habitation by an agency or unit of government.

Single Room Occupancy (SRO) is not considered substandard solely because it lacks sanitary or food preparation facilities.

Applicants who are homeless families are considered 'to be living in substandard housing'. A homeless family includes any person or family who;

() Lacks a **fixed**, regular, and adequate nighttime residence; and

Has a primary nighttime residence that is:

() A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill);

() An institution that provides a temporary residence for individuals intended to be institutionalized, or

() A public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.

I believe that I qualify for a Substandard Housing Preference for the reasons checked above. This information is accurate and complete to the best of my knowledge.

Signature

Date

PAYING MORE THAN 50% OF INCOME FOR RENT - A family must be paying more than 50 % of income for rent.

- Family Income is Monthly Income or 1/12 of Annual Income.

- Annual Income - Anticipated total income from all sources; the full amount before payroll deductions; the net income from the operation of a business; net income from assets.

- Rent is the actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. Rent includes the monthly cost of shelter plus utilities when utilities are resident-paid.

- Utilities: If the utilities are purchased directly by resident from the utility providers the applicable utility cost is determined in one of two ways:

(1) The Housing Authority's Utility Allowance Schedule for family-purchased utilities and services. **[If you wish to use the Utility Allowance, you must call our office for the \$ amount]**

(2) IF THE FAMILY CHOOSES, the **actual** average monthly payments made for these utilities and services for the most recent 12-month period; or if that information is not obtainable for the entire 12-month period, for an appropriate recent period.

Amounts paid to or on behalf of the family under any energy assistance program must be subtracted from the rent amount to the extent that they are not included in the family's income.

\$_____Monthly Utilities - () Actual. () Utility Allowance

minus \$_____Less Energy Assistance Payments not counted in income (if applicable)

equals \$_____Net Utility Cost

plus \$_____Monthly Rent

equals \$_____ **(A) Total Rental Cost**

Total Monthly Family Income \$_____ divided by 2 = \$_____ **(B) (50% of Income)**

Is (A) Total Rental Cost greater than (B) 50% of Income ()Yes ()No

I believe that I qualify for a 50% of Income for Rent Preference based on the above information. This information is accurate and complete to the best of my knowledge.

Signature

Date

Appendix C

Lease

Appendix D
“One Strike” Policy

Housing Authority of the City of Perth Amboy

One Strike and You're Out Policy

The Housing Authority shall screen out and deny admission to any applicant who:

- has any record of disturbance of neighbors, 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.
- has any history of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development
- has been evicted from assisted housing within the last three years for drug related criminal activity
- Any family member is currently engaging in illegal use of a drug
- **The HA has reasonable cause to believe that any family member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents**
- **Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing**
- **Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program**
- **Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.**

Any tenant who is discovered to have withheld or provided false information on their Application for Admission documents shall be subject to eviction.

I also acknowledge that I have received a copy of the Housing Authority's One Strike Policy.

Signature of Applicant / Head of Household

Date

Signature of Co-Applicant / Spouse

Date

Appendix E

Deconcentration Policy

Appendix E

Deconcentration Policy December 17, 2002

The analysis of all household incomes for residents living at Dunlap Homes, Delaney Homes, Otlowski Gardens, Dzema Gardens, and Sofield Gardens is displayed in the tables below. The adjusted average income for all sites is \$15,156.79. Only Otlowski Gardens and Dzema Gardens adjusted average incomes are outside the established income range of 85 to 115% of \$15,156.79.

Otlowski Gardens adjusted average income of \$11,192.18 is below the established income range. The Housing Authority will seek to bring higher income families to this site through admissions and transfers, by giving a preference for admission or transfer to families with incomes at or above 50% of area median income. The skipping of other applicants or families waiting for transfer will be permitted to the extent it fulfills this need.

Dzema Gardens adjusted average income of \$18,244.30 is above the established income range. This is explained by the Authority's intention of placing higher income families at this site so they may purchase their units at some time in the future should the Authority decide to convert the site to homeownership. Also, the adjusted average income at this site is still below 30% of area median income (\$90,000). Because of this, the Authority would not be required to admit lower income families.