WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

FOR THE PUBLIC HOUSING PROGRAM

Board of Commissioners

Update approval for February 8, 2021

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This plan (ACOP) also serves as our "Tenant Selection and Assignment Plan (TSAP)" because, as set forth by HUD, it meets the requirements for a TSAP and provides the details as to how this Agency processes the selection and assignment of applicants for Public Housing.

Williamsburg Redevelopment and Housing Authority
ACOP TABLE OF CONTENTS

1.0 OVERVIEW OF THE PROGRAM AND PLAN

2.0 FAIR HOUSING AND EQUAL OPPORTUNITY

3.0 ELIGIBILITY

4.0 APPLICATIONS, WAITING LIST AND TENANT SELECTION

5.0 OCCUPANCY STANDARDS AND UNIT OFFERS

6.0 INCOME AND RENT DETERMINATIONS

7.0 VERIFICATION

8.0 LEASING AND INSPECTIONS

9.0 RE-EXAMINATIONS

10.0 PETS

11.0 COMMUNITY SERVICE

12.0 TRANSFER POLICY

13.0 LEASE TERMINATIONS

14.0 GRIEVANCES AND APPEALS

15.0 PROGRAM INTEGRITY

16.0 PROGRAM ADMINISTRATION

17.0 ADDITIONAL POLICIES

CHAPTER 1
OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The PHA receives its operating subsidy for the public housing program from the Department of Housing and Urban Development. The PHA is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The PHA enters into an Annual Contributions Contract with HUD to administer the public housing program. The PHA must ensure compliance with federal laws, regulations and notices and must establish policies and procedures to clarify federal requirements and to ensure consistency in program operation. This chapter contains information about the PHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the plan and guide. There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the PHA, its jurisdiction, its programs, and its mission and intent.

Part II: The Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy Policy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE PHA

1-I.A. OVERVIEW

This part describes the PHA's creation and authorization, the general structure of the organization, and the relationship between the PHA Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE PHA

Public housing in the City of Williamsburg, Virginia is funded by the federal government and administered by the **Williamsburg Redevelopment and Housing Authority (WRHA).** PHAs are governed by a board of officials that are generally called "commissioners." Although some PHAs may use a different title for their officials, this document will hitherto refer to the "board of commissioners" or the "board" when discussing the board of governing officials. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The board of commissioners establishes policies under which the PHA conducts business, and ensures that those policies are followed by PHA staff. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success. Formal actions of the PHA are taken through written resolutions, adopted by the board and entered into the official records of the PHA. The principal staff member of the PHA is the executive director (ED), who is selected and hired by the board. The ED oversees the day to day operations of the PHA and is directly responsible for carrying out the policies established by the commissioners. The ED's duties include hiring, training, and supervising the PHA's staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates. In some PHAs, the ED is known by another title, such as chief executive officer or president.

1-I.C. PHA MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

WRHA Mission

Statement:

The Williamsburg Redevelopment and Housing Authority is a provider of safe, decent and affordable shelter as well as an economic opportunity for those of greatest need and which will effectuate a positive impact on the community.

Vision:

- Provide housing that is affordable, providing the foundation from which full personal and community potential is accessed and the economic and cultural diversity of Williamsburg is strengthened and protected.
- Engage with the community in the creation of affordable housing solutions and in the enrichment of the lives of our residents.
- Join with other organizations in on-going partnerships in order to achieve common affordable housing goals.
- Through this active community support, we will achieve long-term fiscal, social and environmental responsibility.

1-I.D. THE PHA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the PHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, WRHA resolves to:

 Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.

 Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low- and low-income families.

 Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward de-concentration of poverty goals.

 Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service's needs.

 Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.

 Create positive public awareness and expand the level of family and community support in accomplishing the PHA's mission.

 Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

 Administer an efficient, high-performing agency through continuous improvement of the PHA's support systems and commitment to our employees and their development. WRHA will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff an overview of the history and operation of public housing. The United States Housing Act of 1937 (the "Act") is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937. The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD). The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program. In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the PHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the PHA. The PHA must create written policies that are consistent with HUD regulations. Among these policies is the PHA's Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the board of commissioners of the PHA. The job of the PHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The PHA screens applicants for public housing and, if they are found eligible and accepted for the program, the PHA offers the applicant a unit. If the applicant accepts the offer, the PHA and the applicant will enter into a contract known as the written lease agreement. At this point, the applicant becomes a tenant of the public housing program. In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide) who (1) executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit. [24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as "residents." The terms "tenant" and "resident" are used interchangeably in this policy. Additionally, this policy uses the term "family" or "families" for residents or applicants, depending on context. Since the PHA owns the public housing development, the PHA is the landlord. The PHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and PHA policy.

1-II.C. PUBLIC HOUSING PARTNERSHIPS

Relationships between the parties are defined by federal regulations and by contract. To administer the public housing program, the PHA enters into a contractual relationship with HUD through an Annual Contributions Contract (ACC). The PHA also enters into a contractual relationship with the tenant through the public housing lease. These contracts outline define and describe the roles and responsibilities of each party. In addition to the ACC, the PHA and family must also comply with Federal regulations and other HUD publications and directives which further identify the important

roles of the parties involved. For the program to work and be successful, all parties involved – HUD, the PHA, and the tenant – must fulfill their important parts.

What does HUD do?

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement housing legislation passed by Congress
- Allocate operating subsidies to PHAs
- Allocate capital funding to PHAs
- Provide technical assistance to PHAs on interpreting and applying program requirements
- Monitor PHA compliance with program requirements and PHA performance in program administration.

What does the PHA do?

The PHA's responsibilities originate in federal regulations and the ACC. The PHA owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

 Ensure compliance with all non-discrimination, equal opportunity, and fair housing laws, and ensure that the program is accessible to persons with disabilities

 Establish local policies and procedures for operating the program

 Review / Accept applications from interested applicant families to determine whether they are income eligible for the program

 Maintain waiting list and select families for admission

 Maintain housing units by making any necessary repairs in a timely manner

Screen families who apply for tenancy, to determine if they will be good renters

 Make unit offers to families (minimize vacancies without overcrowding)

 Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)

 Make sure the PHA has adequate financial resources to maintain its housing stock

 Perform regular reexaminations of family income and composition in accordance with HUD requirements. To ensure that families continue to qualify under the program

 Collect rent due from the assisted family and comply with and enforce provisions of the lease

 Ensure that families comply with program rules

 Provide families with prompt and professional service

 Comply with HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the PHA's ACOP, and other applicable federal, state and local laws.

What does the Tenant do?

The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

 Comply with the terms of the lease and PHA house rules, as applicable

 Provide the PHA with complete and accurate information, determined by the PHA to be necessary for administration of the program

 Cooperate in attending all appointments scheduled by the PHA

 Allow the PHA to inspect the unit at reasonable times with reasonable notice

 Take responsibility for care of the housing unit, including any violations of uniform physical condition standards caused by the family

 Not engage in drug-related or violent criminal activity

 Notify the PHA before moving or termination of the lease
 Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease
 Promptly notify the PHA of any changes in family composition
 Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs
 Take care of the housing unit and report maintenance problems to the PHA promptly

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:
 24 CFR Part 5: General Program Requirements
 24 CFR Part 8: Nondiscrimination
 24 CFR Part 35: Lead-Based Paint
 24 CFR Part 902: Public Housing Assessment System
 24 CFR Part 903: Public Housing Agency Plans
 24 CFR Part 945: Designated Housing
 24 CFR Part 960: Admission and Occupancy Policies
 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions
 24 CFR Part 966: Lease and Grievance Procedures

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is the PHA's written statement of policies used to carry out the housing program in accordance with federal law, regulations, and HUD requirements, The ACOP is required by HUD and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in the PHA's Annual Plan. All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices, as well as all applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with all HUD-approved applications for program funding. The PHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. CONTENTS OF THE POLICY

HUD regulations for public housing do not contain a list of what must be included in the ACOP. However, individual regulations contain requirements of inclusion in the PHA's written policy. At a minimum, the ACOP plan should cover PHA policies on these subjects:

- The organization of the waiting list and how families are selected and offered available units, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapters 4and 5)
- Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12)
- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed (Chapters 3 and 5)

- Procedures for verifying the information the family has provided (Chapter 7)
- The method for achieving de-concentration of poverty and income-mixing of public housing developments (Chapter 4)
- Grievance procedures (Chapter 14)
- Policies concerning payment by a family to the PHA of amounts the family owes the PHA(Chapter 15 and 16)
- Interim redeterminations of family income and composition (Chapter 9)
- Policies regarding community service requirements (Chapter 11)
- Polices and rules about safety and ownership of pets in public housing (Chapter 10)

New Approach to Policy Development

HUD has developed an approach to monitoring policy that emphasizes the importance of consistency in operation and decision-making. The ACOP supports that goal by clearly defining PHA policy for PHA management and staff. A primary focus of programs like HUD's Rental Integrity Monitoring (RIM) program has been consistency in how PHAs conduct their business and in how HUD monitors PHA activities. HUD has made it clear that consistency in PHA conduct is important. Referring to and following the ACOP is essential to maintaining consistency in applying PHA policy. HUD makes a distinction between mandatory policies and non-mandatory policies:

- Mandatory policies: those driven by legislation, regulations, current handbooks, current PIH notices, and legal opinions from the Office of General Counsel
- Optional, non-binding guidance, including guidebooks, FAQs, PIH notices that have expired and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the PHA has adopted. The PHA's Admissions and Continued Occupancy Policy is the document that contains and clarifies PHA policy. HUD's new direction adds additional emphasis to the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy. HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies.HUD suggestions, recommendations, written issuances and guidance are consistent with mandatory federal policy. Therefore, following HUD guidance in the preparation of PHA policy, even though it is not mandatory, provides a PHA with a "safe harbor." If a PHA adopts its own optional policy, it must make its own determination that such policy is consistent with legislation, regulations, and other mandatory requirements.

There may be very good reasons for adopting a policy or procedure that is different than that suggested by HUD, but PHAs should carefully think through those decisions and be able to articulate how their policy is consistent with federal laws, regulations and mandatory policy.

1-III.C. UPDATING AND REVISING THE POLICY

The PHA will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes must be approved by the board of commissioners of the PHA, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

<u>WRHA Policy</u>

WRHA will review and update the ACOP at least once a year, and more often as needed to reflect changes in WRHA Annual Plans, regulations, PHA operations, or when needed to ensure staff consistency in operation.

Chapter 2
FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and procedures. The responsibility to further nondiscrimination pertains to all areas of the PHA's public housing operations. This chapter describes HUD regulations and PHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the PHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of the Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the PHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007 in the *Federal* Register

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and tenant families equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- The Fair Housing Act
- 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 Section504 and the Fair Housing Amendments govern)
- The Violence against Women Act of 2005 (VAWA)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply

When more than one civil rights law applies to a situation, the laws will be read and applied together.

WRHA Policy
All state, federal and local nondiscrimination laws or ordinances apply.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people based on other factors. The PHA shall not discriminate because of race, color, sex, religion, familial status elderliness, disability or national origin (called "protected classes").
Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18. The PHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/2012].

WRHA Policy
WRHA will not discriminate on the basis of creed, political affiliation, pregnancy, parenthood or military status. WRHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

The PHA must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the PHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints

If an applicant or tenant family believes that any family member has been discriminated against by the PHA, the family should advise the PHA. HUD requires the PHA to make every reasonable attempt to determine whether the applicant's or tenant family's assertions have merit and take any warranted corrective action.

WRHA Policy
Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify WRHA either orally or in writing. WRHA will attempt to remedy discrimination complaints. WRHA will provide a copy of a discrimination complaint form to the complainant and provide them

with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program. The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry by an interested family and continues through every programmatic aspect of the public housing program [24 CFR 8]. The PHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

WRHA Policy

WHRA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the WRHA, by including the following language:

"If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact WRHA." A specific name, position and phone number will be provided as the contact person for requests for accommodation for persons with disabilities. WRHA will display posters and other housing information and signage in locations throughout its office in such a manner as to be easily readable from a wheelchair. In the case of notices of adverse actions by WRHA, the following language will be included: "If your lease violations are the result of a disability, you have the right to request a reasonable accommodation. An accommodation is a plan or perhaps a change in policies, procedures, or processes that may help you meet the terms of your lease."

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act] Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), the PHA will modify normal procedures to accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Providing “large-print” forms
- Conducting in-home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a PHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit
- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]. The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA’s programs and services. In order to show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability. If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability.

WRHA Policy

WRHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, WRHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances. Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family’s access to the PHA’s programs and services. If a person’s disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]. If a family indicates that an

accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation. When verifying a disability, the PHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]. Verification of disability does not necessarily verify the relationship between the requested accommodation and the disability
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA may not inquire about the nature or extent of any disability
- Medical records will not be accepted or retained in the participant file
- In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26]

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

The PHA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability
- There is a disability-related need for the accommodation
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's operations

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the PHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs. Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

WRHA Policy

WRHA will view and discuss all requests on a regular basis. Once the request has been discussed and a decision made, WRHA will respond, in writing, within 10 business days. If WRHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the

requested accommodation, the notice will inform the family of the right to appeal the decision through an informal hearing (if applicable) or the grievance process (see Chapter 14). If the WRHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the operations), the WRHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden. If WRHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, WRHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the PHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6]. At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

WRHA Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available. To meet the needs of persons with vision impairments, large-print, audio versions and spoken word of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with WRHA staff, one-on-one assistance will be provided upon request. Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The PHA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Admissions and Continued Occupancy Policy, which describes the key policies that govern the PHA's responsibilities with regard to physical accessibility
- Notice PIH 2010-26, which summarizes the information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs

- The PHA Plan, which provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of PHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Notice PIH 2010-26 contains specific information calculating the percentage of units for meeting UFAS requirements. Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A PHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7]. When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)]. When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the PHA's grievance process [24 CFR 966.4(l)(3)(ii)]. When reviewing reasonable accommodation requests, the PHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to the PHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation [24 CFR 966.7]. In addition, the PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program.

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007 in the *Federal Register.*

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP). LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and Resident families, and parents and family members of applicants and resident families. In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

2-III.B. ORAL INTERPRETATION

In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent interpretation services free of charge to the LEP person.

WRHA Policy

WRHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits. If feasible, WRHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents. Where feasible and possible, WRHA will encourage the use of qualified community volunteers. Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by WRHA. The interpreter may be a family member or friend.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

WRHA Policy

In order to comply with written-translation obligations, WRHA will take the following steps:
WRHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or if there are fewer than 50 persons in a language group that reaches the 5 percent trigger, WRHA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, the PHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves. If the PHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the PHA's public housing program and services.

WRHA Policy

WRHA has determined that it serves very few LEP persons and will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process. If WRHA determines it is appropriate to develop a written LEP plan in the future, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

EXHIBIT 2-I: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

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

"Is regarded as having an impairment" is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a

public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations. The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses. The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 3
ELIGIBILITY

INTRODUCTION

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

The applicant family must:

- Qualify as a family as defined by HUD and the PHA.
- Have income at or below HUD-specified income limits.
- Qualify on the basis of citizenship or the eligible immigrant status of family members.
- Provide social security number information for family household members as required.
- Consent to the PHA's collection and use of family information as provided for in PHA consent forms.

Additionally, the PHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the PHA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and PHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.
Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.
Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the PHA to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and to explain HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13, FR Notice 02/03/12]

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

Family

To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such groupincludes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly

family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.
Gender Identity means actual or perceived gender characteristics.
Sexual orientation means homosexuality, heterosexuality, or bisexuality.

WRHA Policy
A family also includes two or more individuals who are not related legally by marriage or civil union or common law, but claim to be in a marriage partnership. Each family must identify the individuals to be included in the family at the time of application, and must notify WRHA promptly if the family's composition changes. A household consisting exclusively of one or more full-time college students does not qualify as a family unless each individual in the household satisfies the following conditions: The individual either must have established a household separate from his/her parents or legal guardians for at least one year prior to application for admission or must meet the U.S. Department of Education's definition of independent student. They must fit at least one of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought
- Be married
- Have a child or other dependents that receive more than half their support from the student and also live with the student
- Be enrolled as a graduate or professional student (e.g. medicine, dentistry, law)
- Be a veteran of the U.S. military
- Be an orphan or ward of the court through age 18 the individual must not be claimed as a dependent by his/her parents or legal guardians pursuant to Internal Revenue Service (IRS) guidelines.

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

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY
Family Break-up

WRHA Policy
When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open. If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families may continue to occupy the unit. If a court determines the disposition of property between members of an applicant or resident family as a part of a divorce or separation decree, WRHA will abide by the courts determination. In the absence of a judicial decision or an agreement among the original family members, WRHA will determine which family will retain their placement on the waiting list, or continue in occupancy. In making its determination, WRHA will take into consideration the following factors:
(1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, or stalking and provide documentation in accordance with Section 16-VII.D of this ACOP; (4) any possible risks to family members as a result of domestic violence or criminal activity, and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]
The HUD definition of family includes the *remaining member of a tenant family,* which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ GB, p. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family. Remaining family members must qualify for the program. If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6- I.B, for the policy on "Caretakers for a Child."

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]
Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

WRHA Policy
The family may designate any qualified family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT
A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13]. *Spouse* means the marriage partner of the head of household.

WRHA Policy
A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law and who is a marriage partner may be designated as a spouse.
A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.
Minors who are emancipated under state law may be designated as a co-head. *Other adult* means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

3-I.F. DEPENDENT [24 CFR 5.603]
A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

Joint Custody of Dependents

WRHA Policy
Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time. When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will

be able to claim the dependents. If there is a dispute about which family should claim them, WRHA will make the determination based on available documents such as court orders, or an IRS income tax return showing which family has claimed the child for income tax purposes. School records and other credible documentation may be used by WRHA for verification.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to determine if attendance is fulltime shall be defined by the educational institution. Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent deduction and (2) the earned income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100, 5.403, 945.105, and FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

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

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability. The PHA must make all aspects of the public housing program accessible to persons with disabilities. Requests for reasonable accommodations are accepted when the disability limits their full access to the unit, the program, or the PHA's services.

Disabled Family

A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4. Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the PHA from denying admission or taking action under the lease for reasons related to alcohol and drug abuse. This can be done by following the policies found in Part III of this chapter, or from enforcing the lease and following the policies in Chapter 13.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to do so. The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

WRHA Policy

A resident family must notify WRHA when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 14 consecutive days or a total of 28 cumulative calendar days during any 6 month period. The total of 30 cumulative calendar days applies to the total number of occurrences of guests staying overnight. A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 or more consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence. Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above. Former residents who have been evicted are not permitted as overnight guests. Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered to be unauthorized occupants, and their presence constitutes violation of the lease. WRHA reserves the right to request a background check on any guests.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

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

The term *foster child* is not specifically defined by the regulations. Foster children and foster adults who are living with an applicant or who have been approved by the PHA to live with a resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14]

WRHA Policy

A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the agency. Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

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

Definitions of Temporarily and Permanently Absent

WRHA Policy

An individual who is or is expected to be absent from the public housing unit for more than 90 consecutive days is considered permanently absent and no longer a family member. Exceptions to this policy is:

Absent Students

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

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

Children temporarily absent from the home as a result of placement in foster care are considered members of the family. If a child has been placed in foster care, WRHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-head

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment or military service will continue to be considered a family member.

Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, WRHA will request verification of the family's member permanent absence from a responsible medical professional and will use this as determination. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, they may present, and WRHA will consider, any additional documentation or evidence. The family may at any time present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member. An individual may be out of the house for more than 90 days and remain a member of the household, as long as a plan to return home has been communicated by a third-party.

Return of Permanently Absent Family Members

The Lease will not be revised to permit a change of household composition resulting from a request to allow adults to move back into the Demised Premises. An exception will be made if it is determined that the move-in single adult is essential for the mental or physical health of Tenant.

3-I.M. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the person(s), (2) is not obligated for the support of the person(s), and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403]. The PHA must approve a live-in aide if needed as a reasonable accommodation for a person with disabilities in accordance with 24 CFR 8. A live-in aide is considered a household member, but not a family member. The income of the live-in aide is not counted in determining the annual income of the family. [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

WRHA Policy

A family's request for a live-in aide must be made in writing. Written verification of the need for a live-in aide will be required. WRHA will verify the need for a live-in aide with a reliable, knowledgeable professional of the family's choosing such as a doctor, social worker, or case worker. Verification must provide that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new, written request—subject to WRHA verification at each annual reexamination. In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services. WRHA has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval [24 CFR 966.4(d)(3)(i)] if: The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; The person has a history of drug-related criminal activity or violent criminal activity; or The person currently owes rent or other amounts to WRHA or to any another PHA in connection with Section 8 or public housing assistance under the 1937 Act. WRHA will notify the family of its decision in writing within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section. The PHA is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program.

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

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

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

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area; whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. To be income-eligible, a family must be within the low-*income* limit.

Using Income Limits for Targeting [24 CFR 960.202(b)]

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

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the PHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508] HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration **is** required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals are required to submit only a signed declaration as verification of their status. However, HUD regulations permit the PHA to request additional documentation of their status, such as a passport.

<u>WRHA Policy</u>

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

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with PHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance. Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. The PHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a

noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be calculated differently and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are calculated and Chapter 14 for a discussion of informal hearing procedures.

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

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

WRHA Policy

WRHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen. When WRHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with WRHA. The informal hearing may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process. Informal hearing procedures are contained in Chapter 14.

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

For new occupants joining the resident family the PHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first. If an individual qualifies for a time extension for the submission of required documents, the PHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)]. Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

WRHA Policy

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

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2012-10]

The applicant and all members of the applicant's household family must provide documentation of a valid Social Security Number (SSN) or a certification stating that no SSN has been issued. If a household member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual's parent or guardian [24 CFR 5.216. Assistance cannot be provided to a family until all SSN documentation requirements are met. If a child under age 6 has been added to an applicant family within the 6 months prior to program admission, an otherwise

eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of admission. A detailed discussion of acceptable documentation is provided in Chapter 7.

If a new member is added to the family, the new member's SSN documentation must be submitted at the household's next interim or regular reexamination, whichever comes first. If any member of the household obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted at the family's next regularly scheduled reexamination.

The PHA must deny assistance to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.
Note: These requirements do not apply to noncitizens who do not contend eligible immigration status. In addition, each Participant age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements. The PHA must deny admission if any member of the applicant family fails to sign and submit consent forms which allow the PHA to obtain information that has been determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria in Parts I and II, must be denied admission. In addition, HUD requires the PHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The PHA's authority in this area is limited by the Violence against Women Reauthorization Act of 2005 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking. [24 CFR 5.2005]
This part covers the following topics:

- Required denial of admission
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, sexual assault or stalking
- Notice of eligibility or denial

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

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

time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits but does not require the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household)

- The PHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)]
- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing.
- Any household member who is subject to a lifetime registration requirement under a state sex offender registration program.

<u>WRHA Policy</u>
WRHA will admit an otherwise-eligible family who was evicted from federally assisted housing within the past 3 years for drug-related criminal activity, if WRHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by WRHA, or the person who committed the crime is no longer living in the household.
Currently engaged in is defined as any use of illegal drugs during the previous twelve months. In determining reasonable cause, WRHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. WRHA will also consider evidence from treatment providers or community-based organizations providing services to household members.
As long as a sex offender is required to be registered on any state list, the applicant will be denied housing.

3-III.C.OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION
HUD permits, but does not require the PHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203 (c)]
Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points. The PHA is responsible for screening family behavior and suitability for tenancy. In doing so, the PHA may consider an applicant's

history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

WRHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants, PHA staff, contractors, subcontractors, or agents. [24 CFR 960.203(c)(3)].

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to:

- Any conviction for drug-related or violent criminal activity within the past 5years.
- Any arrests for drug-related or violent criminal activity within the past 5 years.
- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.
- A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.
- Any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past 5 years. A conviction for such activity will be given more weight than an arrest or an eviction.

In making its decision to deny assistance, the PHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the PHA may, on a case by case basis, decide not to deny assistance.

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

HUD authorizes the PHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy. In the event of the receipt of unfavorable information with respect to an applicant, the PHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3-III.F, the PHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, sexual assault, or stalking.

WRHA Policy

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

- Has not provided information that WRHA or HUD determines is necessary in the administration of the program.

- Has not provided complete and true information to WRHA
- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past five years
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants
- Has a pattern of evictions from housing or termination from residential programs within the past five years (considering relevant circumstances)
- Owes rent or other amounts to WRHA or any other PHA or owner in connection with any assisted housing program or any other landlord
- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
- Has engaged in or threatened violent or abusive behavior toward WRHA personnel. *Abusive or violent behavior towards WRHA personnel* includes verbal as well as physical abuse or violence, use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Upon consideration of multiple factors, WRHA may, on a case by case basis, decide not to deny admission.

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

3-III.D. SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. The PHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

WRHA Policy

WRHA will perform criminal background checks through local law enforcement for all adult household members. If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, WRHA may request a fingerprint card and may request information from the National Crime Information Center (NCIC).

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

WRHA Policy

WRHA will use the National Sex Offender database to screen applicants for admission. Additionally, WRHA will ask whether the applicant or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].
If WRHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, WRHA will notify the household of the proposed action and provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].***Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]***
HUD authorizes PHAs to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the PHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or co-head regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform the PHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.
Drug Abuse Treatment Facility means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.
Currently engaging in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.
Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after the PHA has made a final decision to either approve or deny the admission of such person. Any charges incurred by the PHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

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

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

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

WRHA Policy

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

- Payment of rent and utilities
- Caring for a unit and premises
- Respecting the rights of other residents allowing the peaceful enjoyment in their housing unit

- Criminal activity that is a threat to the health, safety, or property of others
- Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C
- Compliance with any other essential conditions of tenancy

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

PHAs have a variety of resources available to them for determination of the suitability of applicants. Generally, PHAs should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

WRHA Policy

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

Past Performance in Meeting Financial Obligations, Especially Rent PHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again. Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant paid utilities.) If an applicant has no rental payment history WRHA will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a resident, but a poor credit rating may. Applicants with no rental payment history will also be asked to provide WRHA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant may also be required to complete a checklist documenting their ability to meet financial obligations. If previous landlords or the utility company do not respond to requests from WRHA, the applicant may either provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.) or sign an affidavit outlining their ability to meet the financial obligations required of them.

WRHA has determined that disturbances of neighbors, destruction of property and living or housekeeping habits at prior residences may adversely affect the health safety and welfare of other WRHA tenants and or cause damage to the unit or the development. Therefore, landlord references for the past five years, on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances will be considered for tenancy. Police and court records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction. A personal reference will be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant will also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors. Home visits may be used to determine the applicant's ability to care for the unit.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

WRHA Policy
WRHA will use the concept of preponderance of the evidence as the standard for making all admission decisions.
Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]
HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated mandatory (see Section 3-III.B). In the event the PHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, PHAs may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

WRHA Policy
WRHA will consider the following factors prior to making its decision:
The seriousness of the case, especially with respect to how it would affect other residents Safety or property

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

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or as discussed further in section 3-III.F, a victim of domestic violence, dating violence, sexual assault, or stalking.

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

While a record of arrest(s) will not be used as the basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, the PHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The PHA may also consider:

Any statements made by witnesses or the applicant not included in the police report
Whether criminal charges were filed;
whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal;

Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity;

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

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

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully (WRHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully)

Removal of a Family Member's Name from the Application [24 CFR 960.203(c)(3)(i)]
Should the PHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration; the PHA must offer the family the opportunity to remove the ineligible family member from the household.
If the family is unwilling to remove that individual from the household, the PHA must deny admission to the family [Notice PIH 2012-28]. For other criminal activity, the PHA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 960.203(c)(3)(i)]. HUD permits PHAs to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which warrants denial of admission, to not reside in the unit.

WRHA Policy
As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit, or to stay as a guest, or reside in the public housing unit. After admission to the program, the family must present evidence of the former family member's current address upon WRHA request.

Reasonable Accommodation [PH Occ GB, pp. 58-60]
If the family includes a person with disabilities, the PHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

WRHA Policy
If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, WRHA will determine whether the behavior is related to the stated disability. If so, and upon the family's request, WRHA will determine whether alternative measures may be appropriate as a reasonable accommodation in admitting the family. WRHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. Definitions of key terms used in VAWA are provided in section 16-VII of this ACOP, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification
VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of VAWA rights and the form HUD-5382 at the time the applicant is denied.

WRHA Policy
WRHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under WRHA's policies. Therefore, if WRHA makes a determination to deny admission to an applicant family, it will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP, a notice of VAWA rights and a copy of the form HUD 5382, and will request in writing that an applicant wishing to claim this protection notify WRHA within 14 business days.

Documentation

Victim Documentation [24 CFR 5.2007]
If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault or stalking, WRHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

Perpetrator Documentation
If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:
1. A signed statement (a) requesting that the perpetrator be removed from the application and (b) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit.
2. Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL
The PHA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E. If the PHA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.
If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

WRHA Policy

The family will be notified of any and all decisions to deny assistance, in writing, within 10 business days of the determination. If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, WRHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact WRHA to dispute the information within that 10 day period, WRHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process. Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B. Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in Section 3-III.F.

EXHIBIT 3-I: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

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

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

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

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

- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.1 5002(8)], which defines developmental disability in functional terms as follows:

  (A) IN GENERAL – The term developmental disability means a severe, chronic disability of an individual that-

  (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

  (ii) is manifested before the individual attains age 22;

  (iii) is likely to continue indefinitely;

  (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) self-care, (II) receptive and expressive language, (III) learning, (IV) mobility, (V) self-direction, (VI) capacity for independent living, (VII) economic self-sufficiency; and

  (v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

  (B) INFANTS AND YOUNG CHILDREN – An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- Has a physical, mental, or emotional impairment that is expected to be of long- continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program. For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

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

(1) Physical or mental impairment includes:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine

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

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

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

(4) Is regarded as having an impairment means:

(a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation

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

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

CHAPTER 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides Williamsburg Redevelopment and Housing Authority with the information needed to determine the family's eligibility. HUD requires the Housing Authority to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the Housing Authority must select families from the waiting list in accordance with HUD requirements and WRHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan. WRHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the Housing Authority to receive preferential treatment. HUD regulations require that WRHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that the Housing Authority will be in compliance with all relevant fair housing requirements, as described in Chapter 2. This chapter describes HUD and WRHA policies for taking applications, managing the waiting list and selecting families from the waiting list. The policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the Williamsburg Redevelopment and Housing Authority's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

> Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how WRHA will handle the applications it receives.
>
> **Part I.IV: The Online Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how WRHA will handle the applications it receives.**
>
> Part II: Managing the Waiting List. This part presents the policies that govern how WRHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the Housing Authority will use to keep the waiting list current.
>
> Part III: Tenant Selection. This part describes the policies that guide WRHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the Housing Authority has the information needed to make a final eligibility determination.

4-I.A. OVERVIEW

This part describes the policies that guide the Williamsburg Redevelopment and Housing Authority's efforts to distribute and accept applications and to make preliminary determinations of applicant family

eligibility that affect placement of the family on the waiting list. This part also describes the Housing Authority's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE

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

WRHA Policy

Depending upon the length of time that applicants may need to wait to be housed, the Housing Authority may use a one-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At time of application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the Housing Authority initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

When the waiting list is open, the Authority will advertise with the local newspapers and organizations the date, time and location applications will be accepted. Disabled families may request an application be sent to the family via first class mail by telephone or by mail.

Completed applications must be returned to the Housing Authority. Applications must be complete in order to be accepted by the Housing Authority for processing. If an application is incomplete, the Housing Authority will notify the family of the additional information required. If the applicant fails to provide the documentation within the time frame provided, the application will be withdrawn, and the family will not be placed on the waiting list. When a family is not placed on the waiting list during the initial process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore no informal hearing is required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

The Williamsburg Redevelopment and Housing Authority must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard Housing Authority application process.

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

WRHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the Housing Authority must provide an alternate approach that provides equal access to the application process.

Chapter 2 provides a full discussion of the Housing Authority's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency
PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with Limited English Proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the Housing Authority's policies related to ensuring access to people with Limited English Proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The Williamsburg Redevelopment and Housing Authority must review each completed application received and make a preliminary assessment of the family's eligibility. The Housing Authority must place on the waiting list families for whom the list is open unless the Housing Authority determines the family to be ineligible. Where the family is determined to be ineligible, the Housing Authority must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

WRHA Policy
If the Housing Authority can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the Housing Authority will send written notification of the ineligibility determination within 10 business days of receiving documentation that determines the applicant ineligible. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14). Applicants denied admission will have to wait twelve months before the Housing Authority will process another application for admissions.

In cases where the applicant has failed to provide information in the time frame provided, the application will be withdrawn and the family will be removed from the waiting list. When a family is removed from the waiting list for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore no informal hearing is required.

Eligible for Placement on the Waiting List

WRHA Policy
The Housing Authority will send written notification of the preliminary eligibility determination within 10 business days of receiving documentation determining the applicant initially eligible. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify. Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification will be made when the family is selected from the waiting list. Applicants will be placed on the waiting list according to WRHA preference of the date and time their complete application is received.

The Housing Authority will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as

long as the unit is not overcrowded according to Housing Authority standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

The following information will be verified according to the Authority's procedure on verification, to determine qualification for admission (24 CFR 960.259):

1. Family composition and type (Elderly/Disabled/Near elderly/Non-elderly)
2. Annual Income
3. Assets and asset income
4. Deductions from income
5. Preferences
6. Social Security Numbers of all family members
7. Applicant screening information
8. Citizenship or eligible immigration status

PART I.IV: THE ONLINE APPLICATION PROCESS

4-I.IV.A. OVERVIEW

This part describes the policies that guide the Williamsburg Redevelopment and Housing Authority's efforts to distribute and accept applications and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the Housing Authority's obligation to ensure the accessibility of the application process.

4-I.IV.B. APPLYING FOR ASSISTANCE

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

WRHA Policy

Depending upon the length of time that applicants may need to wait to be housed, the Housing Authority may use a one-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At time of application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the Housing Authority initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

When the waiting list is open, the Authority will advertise with the local newspapers and organizations the date, time and web link applications will be accepted. Disabled families and emancipated minors can request an application be sent to the family via first class mail or by telephone or by mail. Within 30 calendar days of the application being mailed, verification documentations must be sent to the Authority post marked via first class mail or placed in the drop box located in the lobby of the office, during regular working hours. If an application is incomplete, the Housing Authority will notify the family of the additional information required. If the applicant fails to provide the documentation, the application will be withdrawn, and the family will not be placed on the waiting list. When a family is not placed on the waiting list during the initial process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore, no informal hearing is required.

Completed applications must be submitted online to the Housing Authority's webpage. Applications must be complete in order to be accepted by the Housing Authority for processing. Within 30 calendar days of the application submission, verification documentations must be sent to the Authority post marked via first class mail or placed in the drop box located in the lobby of the office, during regular working hours. If an application is incomplete, the Housing Authority will notify the family of the additional information required. If the applicant fails to provide the documentation, the application will be withdrawn, and the family will not be placed on the waiting list. When a family is not placed on the waiting list during the initial process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore, no informal hearing is required.

4-I.IV.C. ACCESSIBILITY OF THE APPLICATION PROCESS

The Williamsburg Redevelopment and Housing Authority must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard Housing Authority application process.

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

WRHA must provide reasonable accommodation to the needs of individuals with disabilities. Disabled families may request an application be sent to the family via first class mail by telephone or by mail. Assistance to fill out the applications may be requested, and assistance will be provided by telephone.

Chapter 2 provides a full discussion of the Housing Authority's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with Limited English Proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the Housing Authority's policies related to ensuring access to people with Limited English Proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The Williamsburg Redevelopment and Housing Authority must review each completed application received and make a preliminary assessment of the family's eligibility. The Housing Authority must place on the waiting list families for whom the list is open unless the Housing Authority determines

the family to be ineligible. Where the family is determined to be ineligible, the Housing Authority must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

WRHA Policy

If the Housing Authority can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the Housing Authority will send written notification of the ineligibility determination within 10 business days of receiving documentation that determines the applicant ineligible. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14). Applicants denied admission will have to wait twelve months before the Housing Authority will process another application for admissions.

In cases where the applicant has failed to provide information in the time frame provided, the application will be withdrawn, and the family will be removed from the waiting list. When a family is removed from the waiting list for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore, no informal hearing is required.

Eligible for Placement on the Waiting List

WRHA Policy

The Housing Authority will send written notification of the preliminary eligibility determination within 10 business days of receiving documentation determining the applicant initially eligible. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify. Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification will be made when the family is selected from the waiting list. Applicants will be placed on the waiting list according to WRHA preference of the date and time their complete application is submitted to the Authority's web page.

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

The following information will be verified according to the Authority's procedure on verification, to determine qualification for admission (24 CFR 960.259):

9. Family composition and type (Elderly/Disabled/Near elderly/Non-elderly)
10. Annual Income
11. Assets and asset income
12. Deductions from income
13. Preferences

14. Social Security Numbers of all family members
15. Applicant screening information
16. Citizenship or eligible immigration status

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The Williamsburg Redevelopment and Housing Authority must have policies regarding the type of waiting list it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants. In addition, HUD imposes requirements on how the Housing Authority may structure its waiting list and how families must be treated if they apply for public housing at a Housing Authority.

4-II.B. ORGANIZATION OF THE WAITING LIST

The PHA'S waiting list must be organized in such a manner to allow and to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

WRHA Policy
The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household

Selection Method

The Authority must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use. Currently WRHA has not described a selection method. [**24 CFR § 960.206]**

WRHA will use the following selection method among applicants on the waiting list with the same priority for admission:

1. Date and time of application; or

2. A drawing or other random choice technique.

THE PREFERENCE SYSTEM

Preferences establish the order of applicants on the waiting list. And admission preference does not guarantee admission. Every applicant must still meet the Authority's selection criteria before being offered an apartment. Preferences will be granted to applicants who are otherwise qualified and who, at the time of the offer, are verified to meet the definitions of the preferences described below. (24 CFR 960.206)

1. Local preference based on need.

   There is one local preference in effect based on need for housing. An Applicant will qualify for this preference if he/she qualifies in one or more of the following categories:

a. In voluntarily dis placed; or

b. Living in Substandard Housing; or

c. Paying more than 50 percent of income for Housing; or

d. Veteran or spouse of a Veteran

The preferences are of equal weight and an applicant may qualify under any of the above categories. Families that do not qualify for one of these preferences will be categorized as "no local preference" applicants.

2. Ranking preferences (24 CFR 960.206

Ranking preferences are used to sort among applicants who qualify for local preference. Two ranking preferences that are of equal weight are:

a. Resident of Williamsburg: A resident of Williamsburg if he/she lives, works or has been hired to work in Williamsburg;
b. Working: - A family qualifies for the Working family preference if any adult member of the applicant family is working at least 30 hours per week for 90 days prior to certification and at the time of certification.

   In addition, a family qualifies for this preference if all adult members of the applicant family is age 62 or older, or is a person with disabilities.

The Williamsburg Redevelopment and Housing Authority may adopt one community-wide waiting list or site-based waiting lists. The Housing Authority must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow

families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

WRHA Policy
The Williamsburg Redevelopment and Housing Authority will maintain **one** single community-wide waiting list for its developments. Within the list, the Housing Authority will designate subparts to easily identify who should be offered the next available unit (i.e. mixed populations, general occupancy, unit size, and accessible units). The Housing Authority will not adopt a site-based waiting list at this time.

4-II.C. OPENING AND CLOSING THE WAITING LIST

Closing the Waiting List
The Williamsburg Redevelopment and Housing Authority is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments. The Housing Authority may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

WRHA Policy
The Williamsburg Redevelopment and Housing Authority will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the Housing Authority has particular preferences or other criteria that require a specific category of family, the Housing Authority may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List
If the waiting list has been closed, it may be reopened at any time. The Housing Authority should publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that the Housing Authority is reopening the waiting list. Such notice must comply with HUD fair housing requirements. The Housing Authority should specify who may apply, and where and when applications will be received.

WRHA Policy
The Williamsburg Redevelopment and Housing Authority will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received. The Housing Authority will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:
The Virginia Gazette (the local Williamsburg newspaper), WMSBG TV 48 (the local public notice TV channel), The City of Williamsburg web site at williamsburgva.gov

4-II.D. FAMILY OUTREACH (24 CFR 903.2(d); 24 CFR 903.7(a) and (b))

The Williamsburg Redevelopment and Housing Authority should conduct outreach as necessary to ensure that the Housing Authority has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the Housing Authority is affirmatively furthering fair housing and complying with the Fair Housing Act. Because HUD requires the Housing Authority to serve a specified percentage of extremely low income families, the Housing Authority may need to conduct

special outreach to ensure that an adequate number of such families apply for public housing. Housing Authority outreach efforts must comply with Fair Housing requirements. This includes:

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

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

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

WRHA Policy

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

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

WRHA Policy

While the family is on the waiting list, the family must inform the Housing Authority, within 10 business days, of changes in family size or composition or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes may be accepted by phone with proper identification. Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, documentation must be provided.

4-II.F. UPDATING THE WAITING LIST

HUD requires The Williamsburg Redevelopment and Housing Authority to establish policies to use when removing applicant names from the waiting list [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the Housing Authority's request for information or updates because of the family member's disability, the Housing Authority must, upon the family's request, reinstate the applicant family to their former position on the waiting

list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

WRHA Policy

The waiting list will be updated annually or as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the Housing Authority will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the Housing Authority has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response may be either oral or in writing. Responses should be postmarked or received by the Housing Authority not later than 15 business days from the date of the Housing Authority's letter. The Housing Authority may require the family to come into the office for an update interview.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore no informal hearing is required.

If a family is removed from the waiting list for failure to respond, the Housing Authority's staff may reinstate the family if he/she determines the lack of response was due to the Housing Authority error, or due to circumstance beyond the family's control.

Removal from the Waiting List

WRHA Policy

The Williamsburg Redevelopment and Housing Authority will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.

Applicants must wait 6 months before re-applying for housing if their application was removed from the waiting list for any reason other than ineligibility. If the Housing Authority determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list,

the family will be removed from the waiting list. The family may not re-apply for the period of one year from the date of removal from the waiting list. If a family is removed from the waiting list because the Housing Authority has determined the family is not eligible for admission, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list. (See Chapter 14) [24 CFR960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

The Williamsburg Redevelopment and Housing Authority must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The Housing Authority must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The Housing Authority must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by the Housing Authority. The availability of units also may affect the order in which families are selected from the waiting list.

The Housing Authority must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the Housing Authority's selection policies [24 CFR 960.206(e)(2)]. The Housing Authority policies must be posted any place where the Housing Authority receives applications. The Housing Authority must provide a copy of its tenant selection policies upon request to any applicant or tenant. The Housing Authority may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

WRHA Policy
When an applicant or resident family requests a copy of the WRHA tenant selection policies, they will be provided copies to them at cost.

4-III.B. SELECTION METHOD

The Authority must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use. Currently WRHA has not described a selection method. [**24 CFR § 960.206]**

WRHA will use the following selection method among applicants on the waiting list with the same priority for admission:

3. Date and time of application; or
4. A drawing or other random choice technique.

Preference System [***24 CFR § 960.206]***

1. Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. The Authority must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.
2. Every applicant must still meet Williamsburg Redevelopment and Housing Authority (WRHA) Selection Criteria before being offered an apartment. Preferences will be granted to applicants who are otherwise qualified and who, at the time of the offer (immediately prior to execution of a lease), are verified to meet the definitions of the preferences described below.

Local Preferences [24 CFR 960.206]

Williamsburg Redevelopment and Housing Authority are permitted to establish local preferences and give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the Housing Authority to establish other local preferences, at its discretion. Any local preferences established must be consistent with the Housing Authority consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

Local Preference based on Need

There is one local preference in effect based on need for housing. An applicant will qualify for this preference if he/she qualifies in one or more of the following categories (which are defined Chapter XV, Definition of Terms):

a. Involuntarily Displaced; or
b. Living in Substandard Housing; or
c. Paying more than 50 Percent of Income for Housing; or
d. Veteran or spouse of a Veteran; or
e. Elderly and disabled families; or
f. Victims of domestic violence, dating violence, stalking.

These preferences are of equal weight and an applicant may qualify under any of the above categories. Families that do not qualify for one of these preferences will be categorized as "no-local-preference" applicants.

Ranking Preferences [*24 CFR § 960.206]*

Ranking preferences are used to sort among applicants who qualify for Local Preference. The WRHA has established two equally weighted Ranking Preferences.

a. Resident of Williamsburg: if he/she lives, works or has been hired to work in Williamsburg; or
b. Working Family: any adult member of the applicant family is working at least 20 hours per week for 90 days prior to certification and at the time of certification.

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

WRHA Policy
In order to bring higher income families into public housing, the housing authority will establish a preference for "working" families, where the head, spouse, co-head, or sole member is employed at least 20 hours per week and has had steady employment for a minimum of 6 months. Working Singles will be treated with the same local preference as a working family. As required by HUD, families where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference [24 CFR 960.206(b)(2)].

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during the Housing Authority's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30% of the area median income, whichever number is higher [Federal Register notice 6/25/14]. To ensure this requirement is met, the Housing Authority may skip non-ELI families on the waiting list in order to select an ELI family.

WRHA Policy
Williamsburg Redevelopment and Housing Authority will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]

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

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

The Williamsburg Redevelop and Housing Authority may designate projects or portions of a public housing project specifically for elderly families. The Housing Authority must have a HUD-approved allocation plan before the designation may take place. Among the designated developments, the Housing Authority must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the Housing Authority may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a

family whose head, spouse, or co-head is at least 50 years old, but is less than 62 [24 CFR 5.403].
If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the Housing Authority must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].
The decision of any elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

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

WRHA Policy
The Williamsburg Redevelopment and Housing Authority does not have designated elderly only housing at this time.

De-concentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]
The Williamsburg Redevelopment and Housing Authority admission policy must be designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the Housing Authority's de-concentration policies must be included in its annual plan [24 CFR 903.7(b)]. The Housing Authority's de-concentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)]. Developments subject to the de-concentration requirement are referred to as "covered developments" and include general occupancy (family) public housing developments. The following developments are not subject to de-concentration and income mixing requirements: developments operated by a Housing Authority with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a Housing Authority with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c)(1)]
To implement the statutory requirement to de-concentrate poverty and provide for income mixing in covered developments, the Housing Authority must comply with the following steps:

Step 1. The Housing Authority must determine the average income of all families residing in all the Housing Authority's covered developments. The Housing Authority may use the median income, instead of average income, provided that the Housing Authority includes a written explanation in its annual plan justifying the use of median income.

Step 2. The Housing Authority must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the Housing Authority has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

WRHA Policy
The Williamsburg Redevelopment and Housing Authority will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The Housing Authority must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Step 4. The Housing Authority with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the housing authority must include in its admission policy its specific policy to provide for de-concentration of poverty and income mixing. Depending on local circumstances the Housing Authority's de-concentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of de-concentration
- Providing other strategies permitted by statute and determined by the Housing Authority in consultation with the residents and the community through the annual plan process to be responsive to local needs and Housing Authority strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the Housing Authority's de-concentration policy. The Housing Authority must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the Housing Authority's de-concentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the Housing Authority will be considered to be in compliance with the de-concentration requirement and no further action is required.

WRHA Policy
For developments outside the EIR, The Williamsburg Redevelopment and Housing Authority will take the following actions to provide for de-concentration of poverty and income mixing:

- Establishing a preference for admission of working families and working singles in developments below the EIR.
- Skipping a family on the waiting list to reach another family in an effort to further the goals of de-concentration

- Providing other strategies permitted by stature and determined by the Housing Authority in consultation with the residents and the community through the annual plan process to be responsive to local needs and Housing Authority strategic objectives.

Order of Selection [24 CFR 960.206(e)]
The Housing Authority system of preferences may select families either according to the date and time of application or by a random selection process.

WRHA Policy
Families will be selected on a first-come, first-served basis according to the date and time their complete application is received by The Williamsburg Redevelopment and Housing Authority. When selecting applicants from the waiting list, the Housing Authority will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference.

Factors such as de-concentration or income mixing and income targeting will also be considered in accordance with HUD requirements and Housing Authority policy.

4-III.C. NOTIFICATION OF SELECTION

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

WRHA Policy
Notification of families will provide the maximum period of notification possible. Families will be notified as soon the Housing Authority has a suitable unit available. The Housing Authority will notify the family by phone, followed by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time and location of the scheduled application interview including any procedures for rescheduling the interview.
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members including information about what constitutes acceptable documentation.
- Documents that must be provided at the interview to document eligibility for a preference, if applicable.
- Any other documents and information that should be brought to the interview.
- Families selected from the waiting list are **required** to participate in the interview process.

- If a notification letter is returned to the Housing Authority with no forwarding address, or the family indicates that they are no longer interested in being housed, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the Housing Authority from making an eligibility determination; therefore no informal hearing will be offered. Removal from the waiting list will require a six month waiting period prior to reapplying.

4-III.D. THE APPLICATION INTERVIEW

HUD recommends that the Housing Authority obtain the information and documentation needed to make an eligibility determination through a private interview. The private interview will usually be performed at the time the personal declaration is completed and returned to the office. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2012-10].

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

WRHA Policy

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

The interview will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the Housing Authority will provide the family with a written list of items that must be submitted. Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible non-citizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3). An advocate, interpreter, or other assistant may assist the family with the application and the interview process. Interviews will be conducted in English. For limited English proficient (LEP) applicants, the Housing Authority will provide translation services in accordance with the Housing Authority's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the Housing Authority in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the Housing Authority will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without Housing Authority approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility.

This will be interpreted to mean that the family is no longer interested and their application will be made inactive. Such failure to act on the part of the applicant prevents the Housing Authority from making an eligibility determination; therefore the Housing Authority will not offer an informal hearing.

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

4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

The Williamsburg Redevelopment and Housing Authority must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including Housing Authority suitability standards, the Housing Authority must make a final determination of eligibility (see Chapter 3). When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

WRHA Policy

The Williamsburg Redevelopment and Housing Authority will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined. The Housing Authority must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

WRHA Policy

If the Housing Authority determines that the family is ineligible, the Housing Authority will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14). If the Housing Authority uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the Housing Authority can move to deny the application.

Upon making an eligibility determination, the PHA must provide the family a notice of VAWA rights as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act of 2013, and as outlined in 16-VII.C. The notice and self-certification form must accompany the written notification of eligibility determination. This notice must be

provided in both of the following instances: (1) when a family is notified of its eligibility; or (2) when a family is notified of its ineligibility.

Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

The PHA must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families. This chapter contains policies for assigning unit size and making unit offers. The PHA's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the PHA's Tenant Selection and Assignment Plan (TSAP).
Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains the PHA's standards for determining the appropriate unit size for families of different sizes and types.

Part II: Unit Offers. This part contains the PHA's policies for making unit offers and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-I.A. OVERVIEW

Occupancy standards are established by the PHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. Part 1 of this chapter explains the occupancy standards. These standards describe the methodology and factors the PHA will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, The PHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)]. HUD does not specify the number of persons who may live in public housing units of various sizes. PHA's are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occupancy Guide Book, p. 62]. Although the PHA does determine the size of unit the family qualifies for under the occupancy standards, it does not determine who shares a bedroom/sleeping room. The PHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

WRHA Policy

WRHA will use the same occupancy standards for each of its developments. WRHA's occupancy standards are as follows:

The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex [other than spouses and children will not be required to share a bedroom].

Persons of different generations or same sex children with an age disparity of at least 5 years and unrelated adults will not be required to share a bedroom.

Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.

Single person families will be allocated a zero or one bedroom.

Foster children will be included in determining unit size.

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

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Williamsburg Redevelopment and Housing Authority Policy

WRHA will consider granting exceptions to the occupancy standards at the family's request if WRHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances. For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-1.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests WRHA will consider the size and configuration of the unit. In no case will WRHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws. Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will not be approved.
To prevent vacancies, WRHA may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Exceptions

WHRA Policy

All requests for exceptions to the occupancy standards must be submitted in writing. In the case of a request for exception as a reasonable accommodation, WRHA will encourage the resident to make the request in writing using a special unit requirement request form. However, WRHA will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted. Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known. WRHA will notify the family of its decision within 10 business days of receiving the family's request.

PART II: UNIT OFFERS

[24 CFR 1.4(b)(2)(ii); 24 CFR 960.208]

5-II.A. OVERVIEW

The PHA must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination. In filling an actual or expected vacancy, WRHA must offer the dwelling unit to an applicant in the appropriate sequence. WRHA will offer the unit until it is accepted. This section describes WRHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes WRHA's policies for offering units with accessibility features.

Williamsburg Redevelopment and Housing Authority Policy

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

5-II.B. NUMBER OF OFFERS

Williamsburg Redevelopment and Housing Authority Policy

Management will offer the applicant a suitable unit on the property for which the applicant applied. If the offer is rejected, no other offers will be made. Thus, this is the final offer. Upon rejection of the final offer, regardless of how many locations were available and offered, the application will be removed from the waiting list. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE AND REFUSAL

Williamsburg Redevelopment and Housing Authority Policy

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer. To accept a unit offer means to attend a leasing to take possession of the unit offered, sign a lease, pay

monies due, and be issued keys. Offers made by telephone must be confirmed by letter. When an applicant is housed, all other applications for that tenant will be closed.

5-II.D. REFUSALS OF UNIT OFFERS

Williamsburg Redevelopment and Housing Authority Policy

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

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

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

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

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

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

The PHA will require documentation of good cause for unit refusals.

When an applicant rejects the final unit offer without good cause, WRHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14). The applicant must wait 12 months before reapplying for the public housing program.

5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]

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

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

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

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

5-II.F. DESIGNATED HOUSING

When applicable, WRHA's policies for offering units designated for elderly families only or for disabled families only are described in WRHA's Designated Housing Plan.

Chapter 6
INCOME AND RENT DETERMINATIONS

INTRODUCTION

A family's annual income is used to determine eligibility for public housing assistance and is also used to calculate the family's rent payment. The PHA will use the policies and methods described in this chapter to ensure that only income-eligible families receive assistance and that no family pays more or less than required under the regulations. This chapter describes HUD regulations and PHA policies related to these topics in three parts as follows:

Part I: Annual Income.
HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and PHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income
Once annual income has been established, HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent
This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.
Annual income means all amounts, monetary or not, which:
(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
(3) Which are not specifically excluded in paragraph [5.609(c)?]
Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access. (HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and

exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(a)(1)].
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or co-head)	Employment income above $480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included.

Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit

<u>WRHA Policy</u>

An individual who is or is expected to be absent from the assisted unit for 90 consecutive days or less will be considered temporarily absent and will continue to be considered a family member. An individual who is or is expected to be absent from the assisted unit for more than 90 consecutive days will be considered permanently absent and no longer a family member. Exceptions to this policy are discussed below.

Absent Students

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

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].If a child has been placed in foster care, WRHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member

Absent Head, Spouse, or Cohead

An employed head, spouse, or co-head absent from the unit more than 90 consecutive days due to employment will continue to be considered a family member**.**

Individuals Confined for Medical Reasons
An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, WRHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Joint Custody of Children
Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time. When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, WRHA will make the determination based on available documents such as court orders, or an IRS income tax return showing which family has claimed the child for income tax purposes. Other methods may include school records showing where they attend school and who the primary parent is and / or other credible documentation.

Caretakers for a Child
The approval of a caretaker is at WRHA's discretion and subject to screening criteria. If neither a parent nor a designated guardian remains in a household receiving assistance, WRHA will take the following actions. If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made. If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases WRHA will extend the caretaker's status as an eligible visitor. At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household. During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income. The guardian/caretaker will need to pass the screening criteria in order to be made part of the household.

6-I.C. ANTICIPATING ANNUAL INCOME
The PHA is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date"[24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection
The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the PHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The PHA believes that past income is the best available indicator of expected future income[24 CFR 5.609(d)]

WRHA Policy
When WRHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), WRHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to WRHA to show why the historic pattern does not represent the family's anticipated income.

HUD requires the use of up-front income verification (UIV) techniques. UIV is "the verification of income, before or during a family re-examination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals." One such source is HUD's Enterprise Income Verification (EIV) system, which maintains data on three types of income: wages, unemployment benefits, and social security (SS) and supplemental security income (SSI) benefits. HUD allows the PHA to use UIV data as third-party verification of an income source when a resident does not dispute the source. UIV data, however, is generally several months old. Therefore, except in the case of SS and SSI benefits, which are not subject to frequent or dramatic changes, HUD expects the PHA to base its income projection on documentation of current circumstances provided by the resident (such as consecutive pay stubs dated within the last 60 days) or by the income source (if the PHA determines that additional verification is necessary).

WRHA Policy
When EIV is obtained and the family does not dispute the EIV employer data, WRHA will use current tenant-provided documents to project annual income. When the tenant provided documents are pay stubs, WRHA will make every effort to obtain current and consecutive pay stubs dated within the last 60 days. WRHA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

- If EIV or other UIV data is not available
- If the family disputes the accuracy of the EIV employer data, and/or if WRHA determines additional information is needed.

6-I.D. EARNED INCOME
Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(1)]

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

WRHA Policy
For persons who regularly receive bonuses or commissions, WRHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, WRHA will use the prior year amounts. In either case the family may provide, and WRHA will consider, a credible justification for not using this history to anticipate future bonuses or

commissions. If a new employee has not yet received any bonuses or commissions, WRHA will count only the amount estimated by the employer. The file will be documented appropriately.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]
This type of income (including gifts) is not included in annual income. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.
Children's Earnings [24 CFR 5.609(c)(1)]
Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of *foster children*.)
Certain Earned Income of Full-Time Students
Earnings in excess of $480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program
Income of a Live-in Aide
Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)
Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]
Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b))
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985(42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]
Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.

State and Local Employment Training Program
Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

WRHA Policy
WRHA shall define *training program* as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It must be designed to lead to a higher level of proficiency, and enhance the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p. 3]. WRHA shall define *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4]. In calculating the incremental difference, WRHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058. Participation in a training program must be reported in accordance with WRHA's interim reporting requirements (see chapter on reexaminations).

HUD-Funded Training Programs
Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

WRHA Policy
To qualify as a training program, the program must meet the definition of a *training program* provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255]

The earned income disallowances (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. Previously unemployed includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title 5 of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies or transportation assistance, the total amount received over the six month period must be at least $500.

Calculation of the Disallowance
Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

WRHA Policy [24 CFR 5.617(C)1].
WRHA shall define prior income, or pre-qualifying income, as the family member's last certified income prior to qualifying for the EID. The family member's prior, or pre-qualifying, income remains constant throughout the period that he or she is receiving the EID.

Initial 12-Month Exclusion
During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

WRHA Policy [24 CFR 5.617(C)2]
The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In
During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation [24 CFR 5.617(C)3]
The EID has a two-year (24 month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

WRHA Policy
During the 24 month eligibility period, WRHA will conduct an interim re-examination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her pre-qualifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family" [24 CFR 5.609(b)(2)].

Business Expenses

Net income is "gross income less business expense" [HCV GB, p. 5-19].

WRHA Policy

To determine business expenses that may be deducted from gross income, WRHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit the PHA to deduct from gross income expenses for business expansion.

WRHA Policy

WRHA shall define a business expansion as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit the PHA to deduct from gross income the amortization of capital indebtedness.

WRHA Policy

WRHA shall define Capital indebtedness as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means WRHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require the PHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

WRHA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of $2,000 to help a business get started, WRHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation. If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the public housing program. However, HUD requires that the PHA include in annual income the "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the PHA must determine the value of the asset in order to compute income from the asset. Therefore, each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of net family assets. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

General Policies

Income from Assets

The PHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the PHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) the PHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the PHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

<u>WRHA Policy</u>

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to WRHA to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

The calculation of asset income sometimes requires the PHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

WRHA Policy
Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [Housing Choice Voucher Guidebook, p. 5-28 and Public Housing Occupancy Guidebook, p. 121].

Lump-Sum Receipts
Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-1 H and 6-1 I).

Imputing Income from Assets [24 CFR 5.609(b)(3)]
When net family assets are $5,000 or less, the PHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of $5,000, the PHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD established passbook savings rate.

Determining Actual Anticipated Income from Assets
It may or may not be necessary for the PHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments
Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets
The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes "amounts derived (during the 12 month period) from assets to which any member of the family has access."

WRHA Policy
If an asset is owned by more than one person and any family member has unrestricted access to the asset, WRHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners. If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, WRHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, WRHA will prorate the asset evenly among all owners.

Assets Disposed of for Less than Fair Market Value [24 CFR 5.603(b)]
HUD regulations require the PHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/re-examination, except as noted below.

Minimum Threshold
The PHA may set a threshold below which assets disposed of for less than fair market value will not be counted [Housing Choice Voucher Guidebook, p. 5-27].

WRHA Policy
WRHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $1,000. When the two year period expires, the income assigned to the disposed asset(s) also expires. If the two year period ends between annual re-certifications, the family may request an interim recertification to eliminate consideration of the asset(s). Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

WRHA Policy
All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order. Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. WRHA may verify the value of the assets disposed of if other information available does not appear to agree with the information reported by the family.

Foreclosure or Bankruptcy
Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.
WRHA Policy
Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The PHA may verify the value of the assets disposed of if other information available to the PHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

WRHA Policy
In determining the value of a checking account, WRHA will use the average monthly balance for the last six months. In determining the value of a savings account, WRHA will use the current balance. In determining the anticipated income from an interest-bearing checking or savings account, WRHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds
Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

WRHA Policy
In determining the market value of an investment account, WRHA will use the value of the account on the most recent investment report. How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), WRHA will calculate asset income based on the earnings for the most recent reporting period.

Mortgage or Deed of Trust

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

WRHA Policy
In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the PHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Equity in Real Property or Other Capital Investments
Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [Housing Choice Voucher Guidebook, p. 5-25 and PH, p. 121]. Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate [Housing Choice Voucher Guidebook, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [Housing Choice Voucher Guidebook, p. 5-25]

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

Trusts
A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts
If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [Housing Choice Voucher Guidebook, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Non-revocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump- sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the PHA must know whether the money is accessible before retirement [Housing Choice Voucher Guidebook, p. 5-26].While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [Housing Choice Voucher Guidebook, p. 5-26]. After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [Housing Choice Voucher Guidebook, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [Housing Choice Voucher Guidebook p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [Housing Choice Voucher Guidebook p. 5- 25].

WRHA Policy

In determining the value of personal property held as an investment, the WRHA will use the family's estimate of the value. WRHA may obtain an appraisal if there is reason to believe that the family's estimated value is off by $50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal. Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset. Necessary items of personal property are not considered assets [24 CFR 5.603(b)]. Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family's assets [Housing Choice Voucher Guidebook, 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income:

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments

from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)]

- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)]. Additionally, any deferred disability benefits that are received in a lump sum or in prospective months from the Department of Veterans Affairs are to be excluded from annual income [FR Notice 11/24/2008].

WRHA Policy

When a delayed-start payment is received and reported during the period in which WRHA is processing an annual reexamination, WRHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with WRHA .See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Treatment of Overpayment Deductions from Social Security Benefits

The PHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2012-10].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)] Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2012-1].
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C.1626(c)) [24 CFR 5.609(c)(17)]
- Amounts received under the Child Care and Development Block Grant Act of 1990(42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]
- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].*Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump sums received as a result of delays in processing Social Security and SSI payments(see section 6-I.J.) [24 CFR 5.609(b)(4)].

WRHA Policy

WRHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency.

6-I.H. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.I.WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The PHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those "who receive welfare assistance or other public assistance benefits ('welfare benefits') from a State or other public agency ('welfare agency') under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance" [24 CFR 5.615(b)].

Imputed Income

When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self- sufficiency program or work activities requirement, the PHA must include in annual income "imputed" welfare income. The PHA must request that the welfare agency inform the PHA when the benefits of a public housing resident are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned. This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR5.61 5(b)(2)]. For special procedures related to grievance hearings based upon the PHA's denial of a family's request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.J. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support
The PHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

WRHA Policy
WRHA will count court-awarded amounts for alimony and child support unless WRHA verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments. Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts
The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

WRHA Policy
WRHA will consider the following to be regular contributions:

- Regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments)
- Cash or other liquid assets provided to any family member on a regular basis
- "In-kind" contributions such as groceries and clothing provided to a family on a regular basis
- Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by WRHA. For contributions that may vary from month to month (e.g., utility payments), WRHA will include an average amount based upon past history.

6-I.K. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME
Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 12/14/12 that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)], except that in accordance with Section 224 of the FY 2005 Appropriations Act, the portion of any athletic scholarship assistance available for housing costs must be included in annual income [PIH Notice 2005-16].
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of $480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

- Alimony payments of up to $550 per year.

Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), and updated by FR Notice 12/14/12]. HUD publishes an updated list of these exclusions periodically. It includes:

(a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017

(b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

(c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))

(d) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)

(e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))

(f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)) (Effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931).)

(g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)

(h) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)

(i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under the federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu)

(j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))

(k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.)

(l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)

(m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)

(n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))

(o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)

(p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))

(q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina

bifida who is the child of a Vietnam veteran (38 U.S.C. 1 805)

(r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

(s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

WRHA Policy

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment is not considered student financial assistance and is included in annual income.

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

(1) $480 for each dependent;

(2) $400 for any elderly family or disabled family;

(3) The sum of the following, to the extent the sum exceeds three percent of annual income:

(i) Unreimbursed medical expenses of any elderly family or disabled family;

(ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus

(4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

Anticipating Expenses

WRHA Policy

WRHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and non-school periods), WRHA will estimate costs based on historic data and known future costs. If a family has an accumulated debt for medical or disability assistance expenses, WRHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. WRHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

A deduction of $480 is taken for each dependent [24 CFR 5.611 (a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or co-head who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of $400 is taken for any elderly or disabled family [24 CFR 5.611 (a)(2)]. An *elderly family* is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income. The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

Definition of *Medical Expenses*

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean "medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance."

WRHA Policy

The most current IRS Publication 502, *Medical and Dental Expenses,* will be used to determine the costs that qualify as medical expenses.

Summary of Allowable Medical Expenses from IRS Publication 502	
Services of medical professionals	Substance abuse treatment programs
Surgery and medical procedures that are necessary, legal, non-cosmetic	Psychiatric treatment
Services of medical facilities	Ambulance services and some costs of transportation related to medical expenses
Hospitalization, long-term care, and in-home nursing services	The cost and care of necessary equipment related to a medical condition(e.g.,eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor	Cost and continuing care of necessary service animals
Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)	Medical insurance premiums or the cost of a health maintenance organization (HMO)
NOTE: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.	

Families That Qualify for Both Medical and Disability Assistance Expense

WRHA Policy

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, WRHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)]. The disability expense deduction is capped by the amount of "earned income received by family members who are 18 years of age or older and who are able to work" because of the expense [24 CFR 5.611 (a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

WRHA Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, WRHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work. When WRHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes [Public Housing Occupancy Guide Book, p. 124].

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the *PH Occupancy Guidebook* as follows: "Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals" [Public Housing Occupancy Guide Book, p. 124], but only if these items are directly related to permitting the disabled person or other family member to work [Housing Choice Voucher Guidebook, p. 5-30]. HUD advises PHAs to further define and describe auxiliary apparatus [VG, p. 30].

Eligible Auxiliary Apparatus

WRHA Policy

Expenses incurred for maintaining or repairing an auxiliary apparatus is eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care
The family determines the type of attendant care that is appropriate for the person with disabilities.

WRHA Policy
Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities. Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible. If the care attendant also provides other services to the family, WRHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members
No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

Necessary and Reasonable Expenses
The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

WRHA Policy
WRHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, WRHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and WRHA will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expense

WRHA Policy
This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, WRHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION
HUD defines *child care expenses* at 24 CFR 5.603(b) as "amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income."
Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p. 26]. However, child care expenses for foster

children that are living in the assisted family's household are included when determining the family's child care expenses.

Determining Who is Enabled to Pursue an Eligible Activity

WRHA Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed). In evaluating the family's request, WRHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by WRHA.

Furthering Education

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by "the amount of employment income that is included in annual income" [24 CFR 5.603(b)]. The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied. When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above $480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes $15,000 but because of the EID only $5,000 is included in annual income, child care expenses are limited to $5,000. The PHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [Housing Choice Voucher Guidebook, p. 5-30].

WRHA Policy

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, WRHA generally will limit allowable child care expenses to the earned

income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses
The type of care to be provided is determined by the tenant family. The PHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [Housing Choice Voucher Guidebook, p. 26].

Allowable Child Care Activities

WRHA Policy

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care. The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible. If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, WRHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs
Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

WRHA Policy
Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class. To establish the reasonableness of child care costs, WRHA will use the schedule of child care costs from the local welfare agency. Families may present, and WRHA will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]
Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the PHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [Public Housing Occupancy Guide Book, p. 128]. The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than $90,000 per year.

WRHA Policy

WRHA has opted not to use permissive deductions.

PART III: CALCULATING RENT

6-III A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the PHA.

TTP Formula [24 CFR 5.628] HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between $0 and $50 that is established by the PHA

The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]
Minimum Rent [24 CFR 5.630]

WRHA Policy

Welfare rent shall not apply. WRHA shall institute a minimum rent of $50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and Public Housing Occupancy Guide Book, pp. 131 -134]

PHAs have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the PHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents. The PHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to PHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents. The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

WRHA Policy

WRHA chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent. Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [Public Housing Occupancy Guide Book, p. 135].

WRHA Policy
WRHA chooses not to use ceiling rents.

Flat Rents

The Department of Housing and Urban Development (HUD) regulations require Housing Authorities to develop a flat rent schedule for each public housing complex. An Authority may set their flat rents no lower than 80% of the fair market rent (FMR) in their area. Families' rents will change at their next income re-examination. Families still have the option of selecting the income based rent which in some cases may be lower.

Annual Update of Flat Rents

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

Utility Reimbursement [24 CFR 960.253(c)(3)]
Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

WRHA Policy
WRHA does not make utility reimbursements to the family. Each unit is assigned a usage utility allowance. Tenants are required to pay, at the cost charged to WRHA, for all usage over the allowance. Utility allowances are reviewed / updated at least every two years or at any time circumstances dictate.

6-III B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]
Overview
If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship. The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

WRHA Policy
The financial hardship rules described apply in this jurisdiction due to the fact that WRHA has established a minimum rent of $50.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996
(2) The family would be evicted because it is unable to pay the minimum rent.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

(5) The family has experienced other circumstances determined by the PHA.

WRHA Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or(2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

Eviction

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

Death

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

WRHA has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship

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

WRHA Policy

WRHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days. WRHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption. When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

Example: Impact of Minimum Rent Exemption Assume the PHA has established a minimum rent of $35.			
TTP – No Hardship		**TTP – With Hardship**	
$0	30% of monthly adjusted income	$0	30% of monthly adjusted income
$15		$15	
N/A	10% of monthly gross income	N/A	10% of monthly gross income
$35	Welfare rent	$35	Welfare rent
	Minimum rent		Minimum rent
	Minimum rent applies. TTP = $35	Hardship exemption granted. TTP = $15	

WRHA Policy

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent. WRHA will make the determination of hardship within 30 calendar days.

No Financial Hardship

If the PHA determines there is no financial hardship, the PHA will reinstate the minimum rent and require the family to repay the amounts suspended. For procedures pertaining to grievance hearing requests based upon the PHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

WRHA Policy

WRHA will require the family to repay the suspended amount within 30 calendar days of the notice that a hardship exemption has not been granted.

Temporary Hardship

If the PHA determines that a qualifying financial hardship is temporary, the PHA must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption. The family must resume payment of the minimum rent and must repay the PHA the amounts suspended. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed and the hardship is now a long-term hardship. For procedures pertaining to grievance hearing requests based upon the PHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

WRHA Policy

WRHA will enter into a repayment agreement in accordance with the repayment agreement policy (see Chapter 16).

Long-Term Hardship

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

WRHA Policy

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

(1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, the PHA must use the utility allowance applicable to the type of dwelling unit leased by the family. For policies on establishing and updating utility allowances, see Chapter 16. **Reasonable Accommodation [24 CFR 8]**

On request from a family, PHAs must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [Public Housing Occupancy Guide Book, p. 172]. Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [Public Housing Occupancy Guide Book, p. 172]. See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]

The PHA must review its schedule of utility allowances each year. Between annual reviews, the PHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [Public Housing Occupancy Guide Book, p. 171]. The tenant rent calculations must reflect any changes in the PHA's utility allowance schedule [24 CFR 960.253(c) (3)].

WRHA Policy

Revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the PHA must:

(1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.

(2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).

(3) Multiply the member maximum subsidy by the number of eligible family members.

(4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.

(5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

WRHA Policy

Revised public housing maximum rents will be applied to a mixed family's rent calculation at the first annual reexamination after the revision is adopted. For policies related to the establishment of the public housing maximum rent see Chapter 16.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253] Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient. There is no utility allowance amount or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the PHA is the amount the family pays. Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based

formula. Policies related to the reexamination of families paying flat rent are contained in Chapter 9. Policies related to the establishment and review of flat rents is contained in Chapter 16.

Family Choice in Rents [24 CFR 960.253(a) and (e)]
Once each year, the PHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The PHA must document that flat rents were offered to families under the methods used to determine flat rents for the PHA.

WRHA Policy
The annual offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination. WRHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process. WRHA must provide sufficient information for families to make an informed choice. This information must include WRHA's policy on switching from flat rent to income- based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the WRHA will provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]
A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the PHA determines that a financial hardship exists, the PHA must immediately allow the family to switch from flat rent to the income-based rent.

WRHA Policy
Upon determination that a financial hardship exists, WRHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:
The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance.
The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items. Such other situations determined by the PHA to be appropriate.

WRHA Policy

WRHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [Public Housing Occupancy Guide Book, p. 137]. Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit [Public Housing Occupancy Guide Book, pp. 137-138].

Flat Rents and Earned Income Disallowance [A&O FAQs]
Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred. A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit

would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

Flat Rents and Mixed Families [A&O FAQs]

Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the *Form HUD-50058 Instruction Booklet*.

If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(A) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(B) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(ii) Qualify as assistance under the TANF program definition at 45 CFR 260.31 and

(iii) Are not otherwise excluded under paragraph (c) of this section.

(iv) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(v) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(vi) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

DEFINITION OF "ASSISTANCE"

GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

What does the term "assistance" mean?

(1) The term "assistance" includes cash payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

The definition of "assistance"] excludes:

Non-recurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(4) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(5) Supportive services such as child care and transportation provided to families who are employed;

(6) Refundable earned income tax credits;

(7) Contributions to, and distributions from, Individual Development Accounts;

(8) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment related services that do not provide basic income support; and

(9) Transportation benefits provided under a Job Access or Reverse Commute project pursuant to section 404(k) of the [Social Security] Act, to an individual who is not otherwise receiving assistance.

EXHIBIT 6-II: ANNUAL INCOME EXCLUSIONS
24 CFR 5.609

Annual income does not include the following:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in Section 5.403;

(6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) Amounts received under training programs funded by HUD;

(i) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(ii) Amounts received by a particular in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iii) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(iv) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, non-recurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who are persecuted during the Nazi era;

(11) Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of $480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following chart for a list of benefits that qualify for this exclusion].

Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits

(a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));

(b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);

(c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

(d) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

(e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

(f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

(g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Publication L 94-540, 90 Stat. 2503-04);

(h) The first $2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

(i) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);

(j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

(k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

(m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

(n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

(o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Publication L. 95-433);

(p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

(q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

(r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

(s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

Exhibit 6-III: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Section 5.609.

(3) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Section 5.609, the term “net family assets” does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

EXHIBIT 6-IV: EARNED INCOME DISALLOWANCE

24 CFR 960.255 Self-Sufficiency incentive – Disallowance of Increase in annual income.

Definitions. The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person who has earned, in the twelve months previous to employment, not more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in public housing:

(i) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;

(ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

(iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A or Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance provided that the total amount over a six month period is at least $500.

Disallowance of increase in annual income

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

(2) Second 12 month exclusion and phase-in. During the second cumulative 12 month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) Maximum 4 year disallowance. The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 48 month period.

It only applies for a maximum of 12 months for disallowance under paragraph (b)(1) and a maximum of 12 months for disallowance under paragraph (b)(2), during the 48 month period starting from the initial exclusion under paragraph (b)(1) of this section.

Inapplicability to admission. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

Individual Savings Accounts. As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

(1) The PHA must advise the family that the savings account option is available.

(2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;

(3) Amounts deposited in a savings account may be withdrawn only for the purpose of:

(i) Purchasing a home;

(ii) Paying education costs of family members;

(iii) Moving out of public or assisted housing; or

(iv) Paying any other expense authorized by the PHA or the purpose of promoting the economic self-sufficiency of residents of public housing;

(4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;

(5) At least annually the PHA must provide the family with a report on the status of the account; and

(6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA.

EXHIBIT 6-V: THE EFFECT OF WELFARE BENEFIT REDUCTION
24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant based assistance (part 982 of this title).

Definitions. The following definitions apply for purposes of this section:

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Economic self-sufficiency program. See definition at Section 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefits reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Section 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount of the term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular re-examination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided by the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Section 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participants. A participant in the Section 8 tenant based assistance program may request an informal hearing, in accordance with Section 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, or for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures.

The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

CHAPTER 7
VERIFICATION

INTRODUCTION
The PHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance. The PHA must not pass on the cost of verification to the family.

The PHA will follow the verification guidance provided by HUD in PIH Notice 2004-01 Verification Guidance ("VG") and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary PHA policies.

Part 1 describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part 2), income and assets (Part 3), and mandatory deductions (Part 4).

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by the PHA.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION
[24 CFR 960.259, 24 CFR 5.230]
The family must supply any information that the PHA or HUD determines is necessary to the administration of the program and must consent to PHA verification of that information [24 CFR 960.259(a)(1)].

Consent Forms
It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the PHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent
[24 CFR 5.232]
If any family member who is required to sign a consent form fails to do so, the PHA will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with the PHA's grievance procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [VG, p. 11-14]
HUD authorizes the PHA to use five methods to verify family information and specifies the circumstances in which each method will be used. In general, HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification.

<u>WRHA Policy</u>
In order of priority, the forms of verification that WRHA will use are:

- Up-front Income Verification (UIV) whenever available
- Third party Written Verification
- Third party Oral Verification
- Review of Documents
- Self-Certification

Each of the verification methods is discussed in subsequent sections below. Exhibit 7-I at the end of the chapter contains an excerpt from the Verification Guidance that provides guidance with respect to how each method may be used.

Requirements for Acceptable Documents
Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the PHA. The documents must not be damaged, altered or in any way illegible.

The PHA will accept documents dated up to 6 months before the effective date of the family's re-examination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, the PHA would accept the most recent report.

Print-outs from web pages are considered original documents.

The PHA staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document, the date the original was viewed, and sign the copy.

Any family self-certifications must be made in a format acceptable to the PHA and must be signed in the presence of a PHA representative or PHA notary public.

WRHA Policy
WRHA will only accept original documents. All documents must not be damaged or altered. WHRA will supply forms for self-certification which must be completed and signed by a notary public.

File Documentation
The PHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the PHA has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.
WRHA Policy
WRHA will document, in the family file the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing the adjusted income or income-based rent determination

When the PHA is unable to obtain third party verification, the PHA will document in the family file the reason that third party verification was not available and will place a photocopy of the original document(s) in the family file. [24 CFR 960.259(c)(1); VG, p. 15]

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the PHA.

WRHA Policy

WRHA will disclose to all applicants and residents of its use of the following UIV resources during the admission and re-examination process:

- HUD's EIV system.

There may be legitimate differences between the information provided by the family and UIV generated information. The PHA may not take any adverse action against a family based solely on UIV data unless the family does not dispute the data. The PHA must independently verify any UIV data that the family disputes, and before taking any adverse action, it must give the family the opportunity to contest the action through the PHA's informal review/hearing processes. (For more on UIV and income projection, see Section 6-1 C.)

Use of HUD's Enterprise Income Verification (EIV) System

HUD's EIV system contains data showing earned income, unemployment benefits, and social security (SS) and supplemental security income (SSI) benefits for resident families. Use of the EIV system in its entirety is mandatory especially for all re-examinations and re-certifications.

Income Reports

The data shown on income reports is updated quarterly. Data may be between three and six months old at the time reports are generated.

WRHA Policy

WRHA will obtain income reports for annual re-examinations on a monthly basis. Reports will be generated as part of the regular re-examination process.

Income reports will be compared to family provided information as part of the annual re-examination process. When the family does not dispute the UIV data, income reports may be used to meet the regulatory requirement for third-party verification. Income reports will be used in interim re-examinations when necessary to verify employment income, unemployment benefits, and SS/SSI benefits and to verify that families claiming zero income are not receiving income from any of these sources. Income reports will be retained in resident files with the applicable annual or interim re-examination documents. When the PHA determines through income reports and independent third party verification that a family has concealed or underreported income, corrective action will be taken pursuant to the policies in Chapter 15, "Program Integrity."

Income Discrepancy Reports (IDRs)

The income discrepancy report (IDR) is a tool for identifying families that may have concealed or under reported income. Data in the IDR represents income for past reporting periods and may be between 6 and 30 months old at the time the report is generated. Families that have not concealed or underreported income may appear on the IDR in some circumstances such as loss of a job or addition of new family members.

WRHA Policy

WRHA will generate and review IDRs at least semi-annually. The IDR threshold percentage will be adjusted as necessary based on the findings in the IDRs.

In reviewing IDRs, the PHA will begin with the largest discrepancies.

When the PHA determines that a resident appearing on the IDR has not concealed or underreported income, the resident's name will be placed on a list of "false positive" reviews. To avoid multiple

reviews in this situation, residents appearing on this list will be eliminated from IDR processing until a subsequent interim or annual re-examination has been completed.

When it appears that a family may have concealed or underreported income, the PHA will request independent third party written verification of the income in question.

When the PHA determines through IDR review and independent third party verification that a family has concealed or underreported income, corrective action will be taken pursuant to the policies in Chapter 15, "Program Integrity."

EIV Identity Verification
The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on social security number, name, and date of birth. When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

WRHA Policy
WRHA will identify residents whose identity verification has failed as part of the annual re-examination process. An attempt will be made to resolve PIC/SSA discrepancies by reviewing file documents. When WRHA determines that discrepancies exist as a result of errors, such as spelling errors or incorrect birth dates, it will correct the errors promptly.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

Reasonable Effort and Timing
Unless third party verification is not required as described below, HUD requires the PHA to make at least two unsuccessful attempts to obtain third party verification before using another form of verification [VG, p. 15].

The PHA will diligently seek third party verification using a combination of written and oral requests to verify sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third party verification is not received in a timely fashion.

The PHA may mail, fax, e-mail, or hand deliver third party written verification requests and will accept third party responses using any of these methods. The PHA will send written requests for verification to each required source within 5 business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, the PHA will request third party oral verification.

The PHA will make a minimum of two attempts, one of which may be oral to obtain third party verification. A record of each attempt to contact the third party source (including no answer calls) and all contacts with the source will be documented in the file. Regarding third party oral verification, PHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds orally to the initial written request for verification, the PHA will accept the oral response as oral verification but will also request that the source complete and return any verification forms that were provided.

If a third party agrees to confirm in writing the information provided orally, the PHA will wait no more than 5 business days for the information to be provided. If the information is not provided by the 6th business day, the PHA will use any information provided orally in combination with reviewing family provided documents (see below).

When Third Party Information is Late
When third party verification has been requested and the timeframes for submission have been exceeded, the PHA will use the information from documents on a provisional basis. If the PHA later

receives third party verification that differs from the amounts used in income and rent determination and it is past the deadline for processing the re-examination, the PHA will conduct an interim re-examination to adjust the figures used for the re-examination, regardless of the PHA's interim re-examination policy.

When Third Party Verification is Not Required

Primary Documents
Third party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Certain Assets and Expenses
The PHA may accept a self-certification from the family as verification of assets disposed of for less than fair market value [HCV GUIDE BOOK, p. 5-28].
The PHA may determine that third party verification is not available if the asset or expense involves an insignificant amount, making it not cost effective or reasonable to obtain third party verification [VG, p. 15].

WRHA Policy
WRHA will use review of documents in lieu of requesting third party verification when the market value of an individual asset or an expense is less than $500 annually and the family has original documents that support the declared amount.

Certain Income, Asset and Expense Sources
The PHA will determine that third party verification is not available when it is known that an income source does not have the ability to provide written or oral third party verification [VG p. 15]. For example, the PHA will rely upon review of documents when the PHA determines that a third party's privacy rules prohibit the source from disclosing information.

WRHA Policy
WRHA will determine that third party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. If WRHA has determined that third party verification is not available or not required, it will use documents provided by the family as verification.

If the family cannot provide original documents, the PHA will pay the service charge required to obtain third party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family. The cost of postage and envelopes to obtain third party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18]. The PHA will document, in the family file, the reason that the third party verification was not available and will place a photocopy of the original document(s) in the family file [VG, p. 15].

7-I.E. REVIEW OF DOCUMENTS

Using Review of Documents as Verification
The PHA may also review documents when necessary to help clarify information provided by third parties. In such cases the PHA will document in the file how the PHA arrived at a final conclusion about the income or expense to include in its calculations.

7-I.F. SELF CERTIFICATION

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the PHA.
The PHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a PHA representative or PHA notary public.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

WRHA Policy
WRHA will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued Baptismal Certificate Current, Valid Driver's license or Department of Motor Vehicle Identification Card U.S. Military Discharge (DD 214) U.S. Passport Employer Identification Card	Certificate of Birth, adoption papers Custody Agreement Health and Human Services ID School Records

- If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.
- If none of these documents can be provided and at the PHA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the PHA and be signed in the presence of a PHA representative or PHA notary public.
- Legal identity will be verified on an as needed basis.

7-II.B. SOCIAL SECURITY NUMBERS
[24 CFR 5.216 AND HCV, P. 5-12]
Prior to admission, every family member regardless of age must provide the PHA with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family shall have ninety (90) calendar days after starting to receive assistance to provide a complete and accurate Social Security Number. The Housing Authority may grant one ninety (90) day extension if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification.

Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010, are exempt from the required disclosure of their Social Security Number. Social Security numbers must be verified only once during continuously assisted occupancy.

If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled re-examination. In addition, if a child reaches the age of 6 and has no SSN, the parent or guardian must execute a self-certification stating that the child has no SSN at the next regularly scheduled re-examination.

The best verification of the Social Security Number is the original Social Security card. If the card is not available the Housing Authority will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided.

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The Housing Authority may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

WRHA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, WRHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification. Age must be verified only once during continuously assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in Chapter 3, Eligibility.

WRHA Policy

Marriage

Certification by the head of household is normally sufficient verification. If WRHA has reasonable doubts about a marital relationship, it will require the family to document the marriage. A marriage certificate generally is required to verify that a couple is married. In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation and Divorce

Certification by the head of household is normally sufficient verification. If WRHA has reasonable doubts about a separation or divorce, it will require the family to document the divorce or separation. A certified copy of a divorce decree signed by a court officer is required to document that a couple is divorced. A copy of a court ordered maintenance or other court record is required to document a separation. If no court document is available, documentation from a community based agency will be accepted.

Absence of Adult Member

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adult

Third party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

The PHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or co-head, or
- The family claims a child care deduction to enable a family member to further his or her education.

7-II.F. DOCUMENTATION OF DISABILITY

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will not place this information in the tenant file. Under no circumstances will the PHA request a resident's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services Website at www.os.dhhs.gov. The PHA may make the following inquiries provided it makes them of all applicants whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy.
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability.
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability.
- Inquiry about whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

Family Members Receiving SSA Disability Benefits
Verification of receipt of disability benefits from the Social Security Administration (SSA) is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions [VG, p. 23].

WRHA Policy
For family members claiming disability who receive disability payments from the SSA, WRHA will attempt to obtain information about disability benefits through HUD's Enterprise Income Verification (EIV) system. If documentation is not available through HUD's EIV system, WRHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If a family member is unable to provide the document, WRHA will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from www.ssa.gov. Once the family receives the benefit verification letter, it will be required to provide the letter to WRHA.

Family Members Not Receiving SSA Disability Benefits
Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603, necessary to qualify for waiting list preferences or certain income disallowances and deductions

WRHA Policy
For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable profession will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview
Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and PHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy [24 CFR 5.508 (g)(5)].

U.S. Citizens and Nationals
HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors. The PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

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

Eligible Immigrants Documents Required
All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals. The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S, the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD funded assistance. Exhibit 7-2 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GUIDE BOOK, pp. 5-3 and 5-7]
For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-2 C. of this ACOP. No further verification of eligible immigration status is required. For family members under the age of 62 or older who claim to be eligible immigrants, the PHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS). The PHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS
The PHA must verify any preferences claimed by an applicant.

WRHA Policy
WRHA offers a preference for working families, described in Section 4-3 B. WRHA may verify that the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating that the working member works at least 30 hours per week. The paycheck stub must have been issued to the working member within the last thirty days. WRHA may also seek third party verification from the employer of the head, spouse, co-head or sole member of a family requesting a preference as a working family.

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part 1 of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides PHA policies that supplement the general verification procedures specified in Part 1 of this chapter.

7-III.A. EARNED INCOME TIPS

WRHA Policy
Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

WRHA Policy
Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.
- All schedules completed for filing federal and local taxes in the preceding year.
- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight line depreciation rules.

The PHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future re-examinations.

At any re-examination the PHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the PHA will accept the family member's certified estimate of income and schedule an interim re-examination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the PHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits
To verify the SS/SSI benefits of applicants, the PHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the PHA will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from www.ssa.gov. Once the family has received the original benefit verification letter, it will be required to provide the letter to the PHA. To verify the SS/SSI benefits of residents, the PHA will obtain information about social security/SSI benefits through HUD's EIV system. If benefit information is not available in the EIV system, the PHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the PHA will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from www.ssa.gov. Once the family has received the benefit verification letter, it will be required to provide the letter to the PHA.

7-III.D. ALIMONY OR CHILD SUPPORT
The way the PHA will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments. If the family declares that it ***receives regular payments***, verification will be sought in the following order. If payments are made through a state or local entity, the PHA will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments.

- Third-party verification from the person paying the support
- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules
- Copy of the latest check and/or payment stubs

- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If the family declares that it ***receives irregular or no payments***, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts.

- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The PHA needs to verify only those certifications that warrant documentation [HCV GUIDE BOOK, p. 5-28].

WRHA Policy

WRHA will verify the value of assets disposed of only if:

- It does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a $10,000 certificate of deposit at the last annual reexamination and the PHA verified this amount. Now the person reports that she has given this $10,000 to her son. The PHA has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the PHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

WRHA Policy

The family must provide: A current executed lease for the property that shows the rental amount or certification from the current tenant. A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, WRHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

When third party verification is not available the type of original document that will be accepted depends upon the family member's retirement status. Before retirement, the PHA will accept an original document from the entity holding the account with a date that shows it is the most recently

scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination. Upon retirement, the PHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments. After retirement, the PHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part 1. The PHA must obtain verification for income exclusions only if, without verification, the PHA would not be able to determine whether the income is to be excluded. For example: if a family's 16 year old has a job at a fast food restaurant, the PHA will confirm that PHA records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

WRHA Policy

The PHA will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family's rent (as is the case with the earned income disallowance). In all other cases, the PHA will report the amount to be excluded as indicated on documents provided by the family.

7-III.I. ZERO ANNUAL INCOME STATUS

WRHA Policy

WRHA will check UIV sources and/or request information from third party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by families claiming to have zero annual income.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the PHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.C.) for a discussion of the deduction. The PHA will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or co-head of the family and is not a foster child.
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student.

Elderly/Disabled Family Deduction

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-2 C.) for a discussion of the deduction. The PHA will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-2 D. The amount of the deduction will be verified following the standard verification procedures described in Part 1.

Amount of Expense

WRHA Policy
WRHA will provide a third party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through third party verification form signed by the provider, when possible. If third party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the PHA will make the best effort to determine what expenses from the past are likely to continue to occur in the future. The PHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

Eligible Household
The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62 or a person with disabilities. The PHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 (7-4 A.) of this plan.

Qualified Expenses
To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-11 D.) for the PHA's policy on what counts as a medical expense.

Unreimbursed Expenses
To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

WRHA Policy
The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years
When anticipated costs are related to on-going payment of medical bills incurred in past years, the PHA will verify:

- The anticipated repayment schedule
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years.

7-IV.C. DISABILITY ASSISTANCE EXPENSES
Policies related to disability assistance expenses are found in 6-2 E. The amount of the deduction will be verified following the standard verification procedures described in Part 1 Amount of Expense.

Attendant Care
The PHA will provide a third party verification form directly to the care provided requesting the needed information. Expenses for attendant care will be verified through:

- Third party verification form signed by the provider, when possible.
- If third part is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source.
- If third party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Auxiliary Apparatus
Expenses for auxiliary apparatus will be verified through:

- Third party verification of anticipated purchase costs of auxiliary apparatus
- If third part is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- If third party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, the PHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F. above).
- The expense permits a family member or members to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities
To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The PHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work
The PHA must verify that the expenses claimed actually enable a family member or members (including the person with disabilities) to work.

WRHA Policy
WRHA will seek third party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member or members to work (See 6-II.E.).If third party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member or members (possibly including the family member receiving the assistance) to work. To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source. An attendant care provider will be asked to certify that to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source. The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES
Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part 1. In addition, the PHA must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable.

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The PHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense
To be eligible for the child care deduction, the costs must not be reimbursed by another source.

WRHA Policy
The child care provider will be asked to certify that to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source. The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity
The PHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

Information to be Gathered
The PHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work
Whenever possible the PHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the PHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the PHA any reports provided to the other agency. In the event third party verification is not available, the PHA will provide the family with a form on which the family member must record job search efforts. The PHA will review this information at each subsequent re-examination for which this deduction is claimed.

Furthering Education
The PHA will ask that the academic or vocational education institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment
The PHA will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care
The type of care to be provided is determined by the family, but must fall within certain guidelines as discussed in Chapter 6.

WRHA Policy
WRHA will verify that the type of childcare selected by the family is allowable, as described in Chapter 6 (6-II.F.). WRHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members). The PHA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses
Only reasonable child care costs can be deducted.

WRHA Policy
The actual costs the family incurs will be compared with the PHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable. If the family presents a justification for costs that exceed typical costs in the area, WRHA will request additional documentation as required to support a determination that the higher cost is appropriate.

Exhibit 7-I: Excerpt from HUD Verification Guidance Notice
(PIH 2004-01, pp. 11-14)

Upfront (UIV) **Written 3rd Party** **Oral 3rd Party** **Document Review** **Tenant Declaration**	**Highest (Highly Recommended, highest level of third party verification** **High (Mandatory if upfront income verification is not available or if UIV data differs substantially from tenant reported information)** **Medium (Mandatory if written third party verification is not available)** **Medium-Low (Use on provisional basis)** **Low (Use as a last resort)**

Income Type	**Upfront**	**Written Third Party**	**Oral Third Party**	**Document Review**	**Tenant Declaration**
	(LEVEL 5)	**(LEVEL 4)**	**(LEVEL 3)**	**(LEVEL 2)**	**(LEVEL 1)**
Wages / Salaries	Use of computer matching agreements with a State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax or in person.	The PHA mails, faxes, or emails a verification form directly to the independent sources to obtain wage information.	In the event the independent sources does not respond to the PHA's written request, the PHA may contact the independent sources by phone or make an in person visit to obtain the requested information.	When neither form of third party verification can be obtained, the PHA may accept original documents such as consecutive pay stubs (HUD recommends the PHA review at least three months of pay stubs, if employed by the same employer for three months or more), W-2 forms, etc. from the tenant. **Note:** the PHA must document in the tenant file, the reason third party	The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from earnings. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
	Agreements with private vendor agencies, such as The Work Number or Choice Point to obtain wage and salary information.	The PHA may have the tenant sign a Request for Earnings Statement from the SSA to confirm past earnings. The PHA mails the form to SSA and the statement will be sent to the address the PHA			
	Use of HUD systems, when available.				

		specifies on the form.		verification was not available.	
Verification of Employment Income: The PHA should always obtain as much information as possible about the employment, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form. **Effective Date of Employment:** The PHA should always confirm start and termination dates of employment.					

Income Type	**Upfront**	**Written Third Party**	**Oral Third Party**	**Document Review**	**Tenant Declaration**
	(LEVEL 5)	**(LEVEL 4)**	**(LEVEL 3)**	**(LEVEL 2)**	**(LEVEL 1)**
Self-Employment	Not Available	The PHA mails or faxes a verification form directly to sources identified by the family to obtain income information.	The PHA may call the source to obtain income information.	The PHA may accept any documents (i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income. **Note:** The PHA must document in the tenant file, the reason third party verification was not obtained.	The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self-employment. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
Verification of Self-Employment Income: Typically, it is a challenge for PHAs to obtain third party verification of self-employment income. When third party verification is not available, the PHA should always request a notarized tenant declaration that includes a perjury statement.					
Social Security Benefits	Use of HUD Tenant Assessment System (TASS) to obtain current benefit history and discrepancy reports.	The PHA mails or faxes a verification form directly to the local SSA office to obtain social security benefit information. **(Not**	The PHA may call SSA, with the tenant on the line, to obtain current benefit amount. **(Not Available in some areas because**	The PHA may accept original SSA notice from the tenant. **Note:** The PHA must document in the tenant file, the reason third party verification	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. **Note:** The PHA must document in the tenant file the reason third

		Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS).	**SSA makes this data available through TASS. SSA encourages PHAs to use TASS.)**	was not available.	party verification was not available

Income Type	**Upfront**	**Written Third Party**	**Oral Third Party**	**Document Review**	**Tenant Declaration**
	(LEVEL 5)	**(LEVEL 4)**	**(LEVEL 3)**	**(LEVEL 2)**	**(LEVEL 1)**
Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the local Social Services Agency to obtain welfare benefit information.	The PHA may call the local Social Services Agency to obtain current benefit amount.	The PHA may review an original award notice or printout from the local Social Services Agency provided by the tenant. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
Assets	Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the source to obtain asset and asset income information.	The PHA may call the source to obtain asset and asset income information.	The PHA may review original documents provided by the tenant. **Note: The PHA must document in the tenant file, the reason third party verification was not available.**	The PHA may accept a notarized statement or affidavit from the tenant that declares assets and asset income. **Note: The PHA must document in the tenant file, the reason third party verification was not available.**

Comments	Whenever HUD makes available wage, unemployment, and SSA information, the PHA should use the information as part of the re-examination process. Failure to do so may result in disallowed costs during a RIM review.	**Note:** The independent source completes the form and returns the form directly to the PHA Agency. The tenant should not hand carry documents to or from the independent source.	The PHA should document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The PHA should use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. **Notarized statement should include a perjury penalty statement.**
Note: The PHA must not pass verification costs along to the participant.					
Note: In cases where the PHA cannot reliably project annual income, the PHA may elect to complete regular interim re-examinations (this policy should be a part of the PHA's written policies).					

Exhibit 7-II: Summary of Documentation Requirements for Noncitizens
[HCV GUIDE BOOK, pp. 5-9 and 5-10]

• **All** noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA. • Except for persons 62 or older, all noncitizens must sign a verification consent form. • Additional documents are required based upon the person's status.
Elderly Noncitizens • A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old age benefits.
All other Noncitizens • Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below

• m I-551 Alien Registration Receipt Card (for permanent resident aliens) • Form I-94 Arrival-Departure Record annotated with one of the following: "Admitted as a Refugee Pursuant to Section 207" "Section 208" or "Asylum" "Section 243(h)" or "Deportation stayed by Attorney General" "Paroled Pursuant to Section 221 (d)(5) of the USCIS"	• Form I-94 Arrival-Departure Record with no annotation accompanied by: A final court decision granting asylum (but only if no appeal is taken); A letter from a USCIS asylum officer granting asylum (if application is filed on or before 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90).
• Form I-668 Temporary Resident Card annotated "Section 245A" or "Section 210".	• Form I-668B Employment Authorization Card annotated "Provision of Law 274a. 12(11)" or "Provision of Law 274a.121".
• A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant's entitlement to the document has be verified; or • Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.	

CHAPTER 8
LEASING AND INSPECTIONS

INTRODUCTION

Public housing leases are the basis of the legal relationship between the PHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations. HUD rules also require the PHA to inspect each dwelling unit prior to move-in, at move-out and annually during occupancy. In addition, the PHA may require additional inspections in accordance with PHA policy.

This chapter is divided into two parts as follows:

Part I: Leasing: This part describes pre-leasing activities and the PHA's policies pertaining to lease execution, modification, and payments under the lease.

Part II: Inspections: This part describes the PHA's policies for inspecting dwelling units.

PART I: LEASING

8-I.A. OVERVIEW

An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements, and must also comply with applicable state and local laws and codes. The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12 month term, except that the PHA may not renew the lease if the family has violated any of the lease requirement [24 CFR 966.4(a)(2)].

Part 1 of this chapter contains regulatory information, when applicable, as well as the PHA's policies governing leasing issues.

8-I.B. LEASE ORIENTATION

WRHA Policy

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

A copy of the lease

A copy of the PHA's grievance procedure

A copy of the house rules

A copy of WRHA's schedule of maintenance charges

A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

A copy of the VAWA notice of occupancy rights (see section 16-VII.C)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

A copy of WRHA's smoke free policy

Topics to be discussed will include:

- Applicable deposits and other charges
- Review and explanation of lease provisions
- Unit maintenance and work orders
- WRHA reporting requirements
- Explanation of occupancy forms
- Community service requirements
- Family choice of rent
- Minimum rent policy
- Transfer policy
- Pet policy
- Housekeeping policy
- Orientation to the community

Non-public housing families will be provided with:

- Tax credit eligibility addendum
- Rent collection procedures

8-I.C. Execution of Lease

The lease must be executed by the tenant and the PHA, except for automatic renewals of a lease [24 CFR 966.4(A)(3)]. A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one PHA unit to another. The lease must state the composition of the household as approved by the PHA (family members and any PHA approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-1 D. for policies regarding changes in family composition during the lease term.

WRHA Policy

The head of household, spouse or co-head, and all other adult members of the household will be required to sign the public housing lease prior to admission. If no member of the household is qualified to sign a lease, a legal guardian may co-sign the lease, subject to WRHA approval. The names and date of birth of all household members are listed on the lease at initial occupancy each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and the WRHA will retain a copy in the resident's file. Changes to tenant rents are made upon the preparation and execution of a "Lease Amendment" by WRHA, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice. Files for households that include a live-in aide will contain file documentation, signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to WRHA assistance. The live-in aide is only approved to live in the unit while serving as the attendant for the participant family member.

8-I.D. Modifications to the Lease
The lease may be modified at any time by written agreement of the tenant and the PHA. [24 CFR 966.4(a)(3)].

Modifications to the Lease Form
The PHA may modify its lease from time to time. However, the PHA must give residents 30 days advance notice of the proposed changes and an opportunity to comment on the changes. The PHA must also consider any comments before formally adopting the new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 30 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(I)(2)(iii)(E)].

WRHA Policy
The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulation are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5]. After the proposed revisions become effective they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].When the PHA proposes to modify or revise schedules of special charges or rules and regulations, the PHA will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file. The lease will be amended to reflect all changes in family composition If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and PHA will be required to initial and date the change. If a new household member is approved by the PHA to reside in the unit, the person's name and birth date will be added to the lease. The head of household and PHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease. Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Re-examinations.

8-I.E. SECURITY DEPOSITS
[24 CFR 966.4(b)(5)]
At the option of the PHA, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the PHA. The PHA may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposits in full prior to occupancy.

WRHA Policy
Residents must pay a security deposit to WRHA at the time of admission. The amount of the security deposit will be equal to the family's total of the first month's rent at the time of move-in prior to occupancy. The security deposit must be paid by money order or cashier's check. WRHA will hold the security deposit for the period the family occupies the unit. WRHA will not use the security deposit for rent or other charges while the resident is living in the unit. Within 45 calendar days of move-out, WRHA will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear

and tear, and other charges due under the lease. WRHA will provide the resident with a written list of any charges against the security deposit within 45 business days of the move-out inspection. If the resident disagrees with the amount charged, the PHA will provide a meeting to discuss the charges. If the resident transfers to another unit, the PHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit.

8-I.F. PAYMENTS UNDER THE LEASE

Rent Payments
[24 CFR 966.4(b)(1)]
Families must pay the amount of the monthly tenant rent determined by the PHA in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements. The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and the PHA must give written notice stating any change in the amount of tenant rent and when the change is effective.

WRHA Policy
The tenant rent is due and payable, by money order, personal check or cashier's check, at the designated location set forth by WRHA on the first day of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. If the family's tenant rent changes, WRHA will notify the family of the new amount and the effective date by sending a "Lease Amendment".

Late Fees and Non payment
At the option of the PHA, the lease may provide for payment of penalties when the family is late in paying tenant rent [24 CFR 966.4(b)(3)]. The lease must provide that late payment fees are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)]. The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe), the grievance process has been completed [24 CFR 966.4(e)(8)].

WRHA Policy
If the tenant fails to make payment by the 5th business day of the month, a late fee of 10 percent will be charged. Bank charges, processing fees, and late fees will be assessed against the tenant for checks which are returned for any reason other than bank error. Returned checks must be redeemed by money order or cashier's check within five (5) business days of notice. WRHA will always consider the rent unpaid when a check is returned for any reason other than a bank error. A late fee as stipulated in the lease will be charged if not paid by the 5th business day. Tenant will be charged a fee of $30.00 for a check that is not honored for payment by a financial institution, unless the reason the check is not honored is not the fault of the Tenant. This fee is to liquidate damages for administrative costs and expense incurred by WRHA in handling bad or dishonored rent checks. This fee is not a penalty. If Tenant's check is not honored for payment because of insufficient funds, then for the following twelve months, Tenant will be required to make all payments by cashier's check or money order. This includes payment pursuant to any existing balance, as well as all future payments due. If Tenant's check is not honored because the Tenant has written a check on a closed account or an account that the Tenant is not authorized to use, Tenant will be required to make all future payments by cashier's check or money order. This includes payment pursuant to any existing balance, as well as all future payments due. Any rent payment received will be applied to the oldest rent charges on the resident's account with the exception of debts currently under a payment agreement.

Excess Utility Charges
If the PHA charges the tenant for consumption of excess utilities, the lease must state the basis for the determination of such charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant supplied appliances [24 CFR 966.4(b)(2)].

Schedules of special charges for utilities that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5]. The lease must provide that charges for excess utility consumption are not due and collectible until fifteen (15) days after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)]. The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe), the grievance process has been completed [24 CFR 966.4(e)(8)].

WRHA Policy
When applicable, families will be charged for excess utility usage according to the WRHA current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, WRHA may not take action for nonpayment of the charges until the conclusion of the grievance process. Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

Maintenance and Damage Charges
If the PHA charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b)(2)].
Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].
The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until fifteen (15) days after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].
The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe), grievance process has been completed [24 CFR 966.4(e)(8)].

WRHA Policy
When applicable, families will be charged for maintenance and/or damages according to WRHA's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable). Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, WRHA will not take action for nonpayment of the charges until the conclusion of the grievance process. Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

WRHA PROMISSORY NOTE POLICY
When applicable, families are able to request one promissory note. Promissory notes are to make arrangements for monthly payments towards outstanding balances owed to the Authority. Promissory payments will be not less than one hundred dollars ($100.00) balances owed to the Authority are to be paid in full no longer than a six (6) month period, unless approved by Public Housing Manager due to financial burden. Financial burdens will be an unlimited time frame at a minimum of ($20.00) a month.

PART II: INSPECTIONS

8-II.A. OVERVIEW

HUD rules require the PHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the PHA may require additional inspections, in accordance with the PHA policy. This part contains the PHA's policies governing inspections, notification of unit entry, and inspection results.

8-II.B. TYPES OF INSPECTIONS

Move-In Inspections
[24 CFR 966.4(i)]
The lease must require the PHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the PHA and the resident, must be provided to the tenant and be kept in the resident's file.

WRHA Policy
Any adult family member may attend the initial inspection and sign the inspection form for the head of household.

Move-Out Inspections
[24 CFR 966.4(i)]
The PHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to the PHA. The PHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear. The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

WRHA Policy
When applicable, WRHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 10 business days of conducting the move-out inspection.

Annual Inspections
Under the Public Housing Assessment System (PHAS), the PHA is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS) [24 CFR 902.43(a)(4)]. The unit will be considered to have failed HUD's Uniform Physical Condition Standards if there are any life-threatening Health and Safety deficiencies. If a unit fails inspection due to housekeeping or tenant-caused damages, the resident will be given 21 days to correct noted items, after which a follow-up inspection will be conducted. Residents may request a copy of the inspection report with required corrections. If necessary to bring the unit into UPCS compliance, needed repairs will be completed by the PHA. All inspections will include a check of all smoke alarms to ensure proper working order. Damages beyond "normal wear and tear" will be billed to the tenant. Residents who repeatedly "fail" the inspection or cause excessive damage to the unit will be in violation of their lease.

Quality Control Inspections
The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable timeframe.

WRHA Policy
Supervisory quality control inspections will be conducted in accordance with the most current posted preventative maintenance plan.

Housekeeping Standards and Inspections
The purpose of housekeeping standards and inspections is to maintain units according to the Housing and Urban Development Standards, Williamsburg Redevelopment and Housing Authority policy and dwelling lease obligations.

Tenant Obligations
Tenants of the Public Housing properties are obligated to keep their dwelling unit and other such areas as may be assigned to them for their exclusive use in a clean and sanitary condition. This includes keeping their front and rear entrances and walkways free from hazards and trash and keeping the yard free of debris and litter. Tenant shall be responsible for keeping their flower beds and areas around their unit weeded and raked.

WRHA SMOKE DETECTOR POLICY
Whereas: Every unit is equipped with one or more smoke detectors. Tenant must ensure that the smoke detectors are operating at all times. Tenant must see to it that batteries are replaced as needed by WRHA maintenance personnel. Smoke detectors shall not be disconnected for any reason.

Whereas: If the smoke detector has a red indicator light on its face and if smoke detector is operating properly, this light will be lit. If the light is flashing and the smoke detector beeps every few seconds, the battery is low and needs replacement. If the light is not lit or flashing, the battery is dead or has been disconnected.

Whereas: If smoke detector isn't operating and you need assistance dealing with it, notify the management office immediately. If you fail to keep all smoke detectors in your unit operating at all times; you will receive one and only one warning. If you fail to comply with this rule a second time, WRHA will have grounds to terminate your lease.

Whereas: Each year the United States Department of Housing and Urban Development contractors inspect WRHA property. Tenants are informed of this inspection well in advance of the inspection date. If found during this inspection that tenant has removed, disconnected, or caused smoke detector not to function properly, tenant may be evicted for creating an emergency health hazard.

WRHA Housekeeping Standards Policy
Standards inside the Dwelling
Walls: should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.
Floors: should be clean, clear, dry and free of hazards.
Ceilings: should be clean and free of cobwebs.
Windows: should all have screens, shaded and be cleaned annually, windows sills and ledges should be free of dust and dirt. Windows should not be blocked or obstructed.
Woodwork: should be clean, free of dust, gouges and scratches.
Doors: should be clean, free of grease and fingerprints. Door stops should be present. All door lock should be working. Do not block any entrance or exit door. Tenants shall not install any type of locking device on any doors in the unit.
Heating Units and air returns: Air returns shall not be blocked by furniture should be dusted. Tenants will be responsible for changing the filters monthly, utility rooms shall be free of clutter and maintenance staff shall have unobstructed access to the heating unit, drains, water lines and water heater.
HVAC Units: nothing should be stored on or around the HVAC unit. Do not allow anyone to sit on your HVAC unit.
Trash: shall be bagged tied shut and disposed of properly and not left in the unit.
Entire unit shall be free of rodent or insect infestation.
Electrical panel box should be unobstructed at all time.
Hallways should be clean and free of hazards.
Stairwells: should be clean and uncluttered.

Laundry areas: should be clean and neat. Remove the lint from the dryers after each use and do not overload the machines.
Utility room: should be free of debris, motor vehicle parts, and flammable materials.

Kitchen
Stove: should be clean and free of food and grease.
Refrigerator: should be clean, Freezer door shall close properly.
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 pan should not be stored under the sink.
Exhaust Fans: Shall be free of grease and dust.
Sink: Should be clean, free of grease and garbage. Dirty dishes should be washed and put away in a timely manner.
Food Storage Areas: should be neat and clean without spilled food.
Trash/Garbage: should be stored in a covered container until removed to the disposal area.
Appliances: should be pulled out annually, the side of the appliances cleaned, and the floor and wall around the appliance cleaned and mopped.
Floors: should be mopped weekly.
Carpets: should be cleaned annually.
Strainer: shall be used in the kitchen sinks to prevent food particles from clogging the drains.
Dumping grease: down any drain or on the ground is prohibited.

Bathroom
Toilet, tank and seat: should be clean and odor free.
Tub and Shower: should be clean and free of mildew and mold. Shower curtain should be in place and of adequate length.
Exhaust Fans: should be free of dust and covers dusted monthly.
Floor: should be clean and dry.

Storage Areas
Linen Closet: should be neat and clean.
Other closets: should be neat and clean. No highly volatile or flammable materials should be stored in the unit.
Other storage areas: should be clean, neat and free of hazards.
There **MUST BE** 24 inches of clear surrounding area around the HVAC unit and water heater.

Standards outside the Dwelling
The following standards apply to family and scattered site development only; some standards apply only when the areas noted is for the exclusive use of the tenant:
Yards: should be free of debris, broken glass, trash, and abandoned cars. Exterior walls should be free of graffiti and grease stains.
Porches: (front and rear): should be clean and free of debris. Any items stored on the porch shall not impede access to the unit.
Steps: (front and rear): shall be clean, free of grease stains, and free of hazards.
Sidewalks: should be swept, clean, free of graffiti, broken glass and free of hazards.
Parking Lot: should be free of abandoned cars. There should be no car repairs being performed in the parking lot. Keep your parking space free of trash and debris.
Lawns: should be raked.
Flower beds: should be weeded.

Fences: Do not lean, swing, or sit on the fences.
Brick retaining walls: Do not sit on or climb on the brick retaining walls.
Electrical Boxes: Do not sit on the electrical transformer boxes.

Special Inspections

WRHA Policy
Building exteriors, grounds, common areas and systems will be inspected according to WRHA's maintenance plan. WRHA staff may conduct a special inspection for any of the following reasons:

- Housekeeping
- Unit condition
- Suspected lease violation
- Preventive maintenance
- Routine maintenance
- There is reasonable cause to believe an emergency exists.

WRHA PAINT POLICY
This policy will be administered by the Williamsburg Redevelopment and Housing Authority to insure uniformity and consistency in the painting of units and maintain the quality of paint applied to the Authority's units. It is the intent of the Authority to paint every apartment unit within a five year cycle. WRHA will evaluate its operating budget each fiscal year to determine if sufficient funds are available to paint twenty per cent of its units during the current operating year. Upon the occurrence of a vacancy, the Authority staff shall evaluate the condition of the painted surfaces of the vacated unit to determine if the unit must be repainted. Staff shall take into consideration the physical condition of the painted areas and the date the unit was last painted. The resident shall be given notification one week from the day the unit is scheduled to be painted by a license contractor and/or the maintenance staff. Upon completion of the painting the resident shall replace all furniture and wall hangings independently. Failure to be prepared for the painting, within the allotted time period, will result in a charge to the tenant for the cost incurred by WRHA and or the contractor hired to perform the work. Tenants are not allowed to paint any portion of their units. Any unauthorized painting by tenants, will be corrected by WRHA with all charges for corrections due by tenant.

Residents must prepare the unit for painting by utilizing the following procedures:

- Remove all items from the walls.
- All furniture should be removed away from the walls and centered in the room such as major furniture like beds, dressers, televisions, chairs, couches, etc.
- Remove all items from the countertops such as microwave, toaster, etc.
- Remove all items from the utility closet.
- Remove all items hanging on all doors.
- Wipe down all walls.

Items do not need to be removed from closets or inside the cabinets as these areas will not be painted.
Items may be placed back on the walls after 24 hours.
Furniture may be placed back after 24 hours.

8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS (Notice of Entry)
Non-emergency Entries

[24 CFR 966.4(j) (1)]
The PHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the PHA entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification.

WRHA Policy
WRHA will notify the resident in writing at least 48 hours prior to any non-emergency inspection. For regular annual inspections, the family will receive at least 2 weeks written notice of the inspection to allow the family to prepare the unit for the inspection. Entry for repairs requested by the family will not require prior notice.

Emergency Entries
[24 CFR 966.4(j)(2)]
The PHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the PHA must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

WRHA Policy
Inspections will be conducted during normal business hours. If a family needs to reschedule an inspection, they must notify WRHA at least 24 hours prior to the scheduled inspection. WRHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. WRHA may request verification of such cause.

Attendance of Inspections
Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

WRHA Policy
At any time an inspection takes place in a unit with no one present, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report inside the unit.

8-II.D. INSPECTION RESULTS
The PHA is obligated to maintain dwelling units and the project in decent, safe, and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs
[24 CFR 966.4(h)]
If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify the PHA of the damage, and the PHA must make repairs within a reasonable time frame. If the damage was caused by a household member or guest, the PHA must charge the family for the reasonable cost of repairs. The PHA may also take lease enforcement action against the family. If the PHA cannot make repairs quickly, the PHA must offer the family standard alternative accommodations. If the PHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.
WRHA Policy
When conditions in the unit are hazardous to life, health, or safety, WRHA will make repairs or otherwise abate the situation within 24 hours.

WRHA defines hazardous to life, health or safety to include but are not limited to the following:

- Any condition that jeopardizes the security of the unit

- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors.

Non-emergency Repairs

WRHA Policy
WRHA will correct non-life threatening health and safety defects within 15 business days of the report and or inspection date. If WRHA is unable to make repairs within that period due to circumstances beyond control (e.g. required parts or services are not available, weather conditions, etc.) WRHA will notify the family of an estimated date of completion.
Families must allow WRHA access to the unit to make repairs.

Resident-Caused Damages

WRHA Policy
Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.G., Maintenance and Damage Charges. Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Housekeeping

WRHA Policy
Residents whose housekeeping habits pose an emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, WRHA will provide proper notice of a lease violation. A re-inspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13. Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in immediate lease termination.

EXHIBIT 8-I: VACATE INSPECTION INSTRUCTIONS

As you vacate your apartment, you have the right to be present at the final inspection. This inspection will be conducted for the purpose of determining the amount of the security deposit to be returned. If you wish to be present during the inspection, please make an appointment with the Housing Manager. Please turn in keys no later than 2:00 p.m. to allow sufficient time for maintenance to conduct an inspection on the day the apartment is vacated. This is to protect the Authority's property and to protect you from being charged for any damages created by vandals after you vacate. **If the keys are not turned in by 2:00 p.m., you may be charged with rent through the next business day.**

The apartment is expected to be left in good condition. Please follow these instructions to avoid unnecessary charges being placed on your account for cleaning or maintenance.

1. Remove **ALL** stickers and mirrors from the walls, doors, appliances and windows.

2. Clean the inside and outside of the stove and oven. Be sure to clean under the stove top and broiler section. The oven racks, stove knobs, broiler pan, drip pans and burners must be clean and free of burnt food and grease.

3. Clean the inside and outside of the refrigerator thoroughly, **DO NOT TURN OFF OR UNPLUG THE REFRIGERATOR.**

4. Clean the bathroom fixtures, wall tile and floors. Grout must be free of mildew.

5. Clean the kitchen counters and the inside and outside of the cabinets and drawers.

6. All Authority owned equipment such as sink stoppers and light globes must be in plain view in their proper place. This includes window shades, shade screws, and wall plates.

7. Remove all your property from the apartment including trash and garbage. Contact the Rental Office if you have questions about disposing of unwanted furniture or appliances.

8. Vacuum or sweep and thoroughly clean the floors in each room.

9. Thoroughly shampoo carpets in all rooms, providing proof of carpet cleaning to Authority.

10. Wash the windows and exterior doors. There may be an additional charge for any holes in the apartment, and for any unauthorized painting.

I certify that I received a copy of this notice.

Tenant Signature:_____Date:_____

CHAPTER 9
RE-EXAMINATIONS

INTRODUCTION

The PHA is required to monitor each family's income and composition over time, and to adjust the family's rent accordingly. PHAs must adopt policies concerning the conduct of annual and interim re-examinations that are consistent with regulatory requirements, and must conduct re-examinations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which the PHA must re-examine income for a family depends on whether the family pays income-based or flat rent. HUD requires the PHA to offer all families the choice of paying income-based rent or flat rent at least annually. The PHA's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim re-examinations.

Part I: Annual Re-examinations for Families Paying Income Based Rents. This part discusses the requirement for annual re-examination of income and family composition. Full re- examinations are conducted at least once a year for families paying income-based rents.

Part II: Re-examinations for Families Paying Flat Rents. This part contains the PHA's policies for conducting full re-examinations of family income and composition every 3 years. This part also contains the PHA's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Re-examinations. This part includes HUD requirements and PHA policies related to when a family may and must report changes that occur between annual re-examinations.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim re-examination, the PHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a re-examination.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim re-examinations.

PART I: ANNUAL RE-EXAMINATION FOR FAMILIES

PAYING INCOME BASED RENTS
[24 CFR 960.257]

9-I.A. OVERVIEW

For those families who choose to pay income-based rent, the PHA must conduct a re-examination of income and family composition at least annually [24 CFR 960.257(a) (1)]. For families who choose flat rents, the PHA must conduct a re-examination of family composition at least annually, and must conduct a re-examination of family income at least once every three (3) years [24 CFR 960.257(a)(2)]. Policies related to the re-examination process for families paying flat rent are located in Part 2 of this chapter.

For all residents of public housing, whether those residents are paying income-based or flat rents, the PHA must conduct an annual review of community service requirement compliance. This annual re-examination is also a good time to have residents sign consent forms for criminal background checks in case the criminal history of a resident is needed at some point to determine the need for lease enforcement or eviction. The PHA is required to obtain information needed to conduct re-examinations. How that information will be collected is left to the discretion of the PHA. Families are required to provide current and accurate information on income, assets, allowances and deductions,

family composition and community service compliance as part of the re-examination process [24 CFR 960.259].

This part contains the PHA's policies for conducting annual re-examinations.

9-I.B. SCHEDULING ANNUAL RE-EXAMINATIONS

The PHA must establish a policy to ensure that the annual re-examination for each family paying an income-based rent is completed within a twelve (12) month period [24 CFR 960.257(a) (1)].

WRHA Policy
WRHA will schedule annual re-examinations to coincide as close as possible with the family's anniversary date. WRHA will begin the annual re-examination process at least ninety to one hundred twenty (90 to 120) days in advance of the scheduled effective date. Anniversary date is defined as twelve (12) months from the effective date of the family's last annual re-examination or, during a family's first year in the program, from the dated of the family's initial examination (admission).

If the family transfers to a new unit, WRHA will perform a new annual re-examination, and the anniversary date will be changed. WRHA may also schedule an annual re-examination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Re-examination Process
The PHA is required to obtain information needed to conduct annual re-examinations. How that information will be collected is left to the discretion of the PHA.

WRHA Policy
Families are required to participate in an annual re-examination interview, which must be attended by the head of household, spouse, or co-head. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact WRHA to request a reasonable accommodation. Notification of annual re-examination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview. If the family is unable to attend a scheduled interview, the family should contact WRHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview WRHA will send a second notification with a new interview appointment time. If a family fails to attend two scheduled interviews without WRHA approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13. Exceptions to these policies may be made by the Public Housing Administrator if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

9-I.C. CONDUCTING ANNUAL RE-EXAMINATIONS
The terms of the public housing lease require the family to furnish information necessary for the re-determination of rent and family composition [24 CFR 966.4(c)(2)].

WRHA Policy
Families will be asked to bring all required information (as described in the re-examination notice) to the re-examination appointment. The required information will include:

- A PHA designated re-examination form
- An Authorization for the Release of Information/Privacy Act Notice
- Applicable supporting documentation related to the family's income, expenses, and family composition

Any required documents or information that the family is unable to provide at the time of the interview must be provided within ten (10) business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the family does not provide the required documents or information within the required time frame (plus

any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

ELIGIBILITY FOR CONTINUED OCCUPANCY
Residents who meet the following criteria will be eligible for continued occupancy:

- Qualify as a family as defined in this policy
- Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease
- Have provided Social Security numbers on all family members or have certifications on file indicating they have no Social Security number
- Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent
- Who are in compliance with the WRHA's community service requirements

The information provided by the family must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include but are not limited to Legal identity, Age, SSN, disability status and Citizenship/Immigration status.

Change in Unit Size
Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The PHA may use the results of the annual re-examination to require the family to move to an appropriate size unit [24 CFR 960.257(a) (4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks
Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e) (1) (ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

WRHA Policy
Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual re-examination process. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse. WRHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.

Compliance with Community Service
For families who include non-exempt individuals, the PHA must determine compliance with community service requirements once each twelve (12) months [24 CFR 960.257(a) (3)]. See Chapter 11 for the PHA's policies governing compliance with the community service requirement.

Persons with Disabilities
Persons with disabilities, who are unable to come to the PHA office will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

9-I.D. EFFECTIVE DATES
As part of the annual re-examination process, the PHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a) (1)].

WRHA Policy
An increase in the tenant rent that results from an annual re-examination will take effect on or as close to the family's anniversary date and the family will be notified at least thirty (30) days in advance. If less than thirty (30) days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the thirty (30) day notice period. If WRHA chooses to schedule an annual re-examination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the WRHA, but will always allow for the thirty (30) day notice period. If the family causes a delay in processing the annual re-examination, increases in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual re-examination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16. A decrease in the tenant rent that results from an annual re-examination will take effect on or as close to the family's anniversary date. If WRHA chooses to schedule an annual re-examination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the WRHA. If the family causes a delay in processing the annual re-examination, decreases in the family share of the rent will be applied prospectively, from the first day of the month following completion of the re-examination processing. Delays in re-examination processing are considered to be caused by the family if the family fails to provide information requested by WRHA by the date specified, and this delay prevents WRHA from completing the re-examination as scheduled.

PART II: RE-EXAMINATIONS FOR FAMILIES PAYING FLAT RENTS
[24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that the PHA offer all families the choice of paying income-based rent or flat rent at least annually. The PHA's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, the PHA must conduct a re-examination of family composition at least annually, and must conduct a re-examination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. The PHA is only required to provide the amount of income-based rent the family might pay in those years that the PHA conducts a full re-examination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].
As it does for families that pay income-based rent, on an annual basis, the PHA must also review community service compliance and should have each adult resident's consent to a criminal background check.
This part contains the PHA's policies for conducting re-examinations of families who choose to pay flat rents.

9-II.B. FULL RE-EXAMINATION OF FAMILY INCOME AND COMPOSITION

WRHA Policy
For families paying flat rents, WRHA will conduct a full re-examination of family income and composition once every three (3) years. In conducting full re-examinations for families paying flat rents, WRHA will follow the policies used for the annual re-examination of families paying income-based rent as set forth in Section 9-I B through 9-I D above.

9-II.C. RE-EXAMINATION OF FAMILY COMPOSITION ("ANNUAL UPDATE")
As noted above, full re-examinations are conducted every three (3) years for families paying flat rents. In the years between full re-examinations, regulation requires the PHA to conduct a re-examination of family composition ("annual update") [24 CFR 960.257(a) (2)]. The annual update process is similar to the annual re-examination process, except that the PHA does not collect information about the family's income and expenses, and the family's rent is not recalculated following an annual update.

Scheduling
The PHA must establish a policy to ensure that the re-examination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a) (2)].

WRHA Policy
For families paying flat rents, annual updates will be conducted in each of the two (2) years following the full re-examination. In scheduling the annual update, the PHA will follow the policy used for scheduling the annual re-examination of families paying income-based rent as set forth in Section 9-1 B above.

Conducting Annual Updates
The terms of the public housing lease require the family to furnish information necessary for the re-determination of rent and family composition [24 CFR 966.4(c)(2)].

WRHA Policy
Generally, the family will not be required to attend an interview for an annual update. However, if WRHA determines that an interview is warranted, the family may be required to attend. Notification of the annual update will be sent by first-class mail and will inform the family of the information and documentation that must be provided to WRHA. The family will have ten (10) business days to submit the required information to WRHA. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. WRHA will accept required documentation by mail, by fax, or in person.

If the family's submission is incomplete, or the family does not submit the information in the required time frame, WRHA will send a second written notice to the family. The family will have ten (10) business days from the date of the second notice to provide the missing information or documentation. If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size
Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The PHA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a) (4)].

Criminal Background Checks
Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-4 B.

WRHA Policy
Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process.

Compliance with Community Service
For families who include non-exempt individuals, the PHA must determine compliance with community service requirements once each twelve (12) months [24 CFR 960.257(a) (3)]. See Chapter 11 for the PHA's policies governing compliance with the community service requirement.

PART III: INTERIM RE-EXAMINATIONS
[24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW
Family circumstances may change throughout the period between annual re-examinations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the PHA must process interim re-examinations to reflect those

changes. HUD regulations also permit the PHA to conduct interim re-examinations of income or family composition at any time. In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. The PHA must complete the interim re-examination within a reasonable time after the family's request. This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA and family initiated interim re-examinations.

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, WRHA has limited discretion in this area. Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

WRHA Policy

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual re-examinations (or annual updates). WRHA will conduct interim re-examinations to account for any changes in household composition that occur between annual re-examinations.

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 966.4(a) (1) (v)].

WRHA Policy

The family must inform WRHA of the birth, adoption or court-awarded custody of a child within ten (10) business days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)(i)]:

WRHA Policy

Families must request WRHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than fourteen (14) consecutive days or a total of thirty (30) cumulative calendar days during any twelve (12) month period, and therefore no longer qualifies as a "guest". Requests must be made in writing and approved by WRHA prior to the individual moving into the unit. WRHA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, if it will require the family to transfer to a larger size unit (under the transfer policy in Chapter 12), unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by WRHA. Exceptions will be made on a case-by-case basis. WRHA will not approve the addition of a new family or household member unless the individual meets the WRHA's eligibility criteria (see Chapter 3).If WRHA determines that an individual does not meet the eligibility criteria as defined in Chapter 3, WRHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial. WRHA will make its determination within ten (10) business days of receiving all information required to verify the individual's eligibility.

Definition of Temporarily/Permanently Absent

WRHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is

counted as income. It is the responsibility of the head of household to report changes in family composition. WRHA will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family
These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, WRHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this policy. Families are required to notify WRHA before they move out of a unit in accordance with the lease and to give WRHA information about any family absence from the unit. Families must notify WRHA if they are going to be absent from the unit for more than seven consecutive days. A person with a disability may request an extension of time as a reasonable accommodation. "Absence" means that no family member is residing in the unit.

Departure of a Family or Household Member

WRHA Policy
Any member of the household will be considered permanently absent if he or she is away from the unit for 30 consecutive days in a 12 month period except as otherwise provided in this chapter. If a family member ceases to reside in the unit, the family must inform WRHA within ten (10) business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent. If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform WRHA within ten (10) business days.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES
Interim re-examinations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

WRHA Policy
Families paying flat rent are not required to report changes in income or expenses.

Interim Re-examinations

WRHA Policy
WRHA will conduct interim re-examinations in each of the following instances:

> For families receiving the Earned Income Disallowance (EID), WRHA will conduct an interim re-examination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second twelve (12) month exclusion period (50 percent phase-in period).
>
> If the family has reported zero income, WRHA will conduct an interim re-examination every month as long as the family continues to report that they have no income.
>
> If at the time of the annual re-examination, it is not feasible to anticipate a level of income for the next twelve (12) months (e.g. seasonal or cyclic income), WRHA will schedule an interim re-examination to coincide with the end of the period for which it is feasible to project income.
>
> If at the time of the annual re-examination, the tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, WRHA will conduct an interim re-examination.
>
> WRHA may conduct an interim re-examination at any time in order to correct an error in a previous re-examination, or to investigate a tenant fraud complaint.

Family-initiated Interim Re-examinations
The PHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim re-examination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting
HUD regulations give the PHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

WRHA Policy
Families are required to report all increases in earned income, including new employment within ten (10) business days of the date the change takes effect. WRHA will only conduct interim re-examinations for families that qualify for the earned income disallowance (EID), and only when the EID family's rent will change as a result of the increase. In all other cases, WRHA will note the information in the tenant file, but will not conduct an interim re-examination. Families are not required to report any other changes in income or expenses.

Optional Reporting
The family may request an interim re-examination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. The PHA must process the request if the family reports a change that will result in a reduced family income [PH Occupancy Guidebook, p. 159]. If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

WRHA Policy
If a family reports a change that that would result in an increase in the tenant rent, WRHA will make a determination if an interim re-examination is needed. If a family reports a change that would result in a decrease in the tenant rent, WRHA will conduct an interim re-examination. See Section 9-3 D for effective dates. Families may report changes in income or expenses at any time.

9-III.D. PROCESSING THE INTERIM RE-EXAMINATION
The family may notify the PHA of changes either orally or in writing. If the family provides oral notice, The PHA may also require the family to submit the changes in writing. Generally, the family will not be required to attend an interview for an interim re-examination. However, if the PHA determines that an interview is warranted, the family may be required to attend. Based on the type of change reported, the PHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within ten (10) business days of receiving a request from the PHA. This time frame may be extended for good cause with PHA approval. The PHA will accept required documentation by mail, by fax, or in person. The PHA must make the interim re-examination within a reasonable time after the family request [24 CFR 960.257(b)].

WRHA Policy
If the family share of the rent is to increase: The increase generally will be effective on the first of the month following thirty (30) days' notice to the family. If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16. If the family share of the rent is to decrease, the decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

For those families paying income-based rent, the PHA must recalculate the rent amount based on the income information received during the re-examination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a re-examination.

9-IV.B. CHANGES IN UTILITY ALLOWANCES
[24 CFR 965.507, 24 CFR 966.4]

The tenant rent calculations must reflect any changes in the PHA's utility allowance schedule [24 CFR 960.253(c) (3)]. Chapter 16 discusses how utility allowance schedules are established.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires the PHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the PHA re-determines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of the PHA's schedule of Utility Allowances for families in the Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, the PHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of the determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the grievance procedure [24 CFR 966.4(c)(4)].

WRHA Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

During an annual or interim re-examination, the PHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the PHA may discover errors made by the PHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

CHAPTER 10
PETS

INTRODUCTION
This chapter explains the PHA's policies on the keeping of pets and any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the PHA to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the PHA.

The chapter is organized as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals and pets and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

PART I: ASSISTANCE ANIMALS
[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303]

10-I.A. OVERVIEW
This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals. Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals often referred to as "service animals", "assistive animals", "support animals", or "therapy animals" perform many disability related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability related need for such support.

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the PHA's pet policies described in Parts 2 through 4 of this chapter [24 CFR 5.303; 960.705].

10-I.B. APPROVAL OF ASSISTANCE ANIMALS
A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal [PH Occupancy Guide Book, p 179].

A PHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and in some

cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occupancy Guide Book, p 178].

A PHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occupancy Guide Book, p 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health and safety of others that cannot be reduced or eliminated by a reasonable accommodation.

- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others.

PHAs have the authority to regulate assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

WRHA Policy

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and WRHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

10-I.C. CARE AND HANDLING

HUD regulations do not affect any authority a PHA may have to regulate assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

WRHA Policy

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws. Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents. When a resident's care or handling of an assistance animal violates these policies, WRHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If WRHA determines that no such accommodation can be made, it may withdraw the approval of a particular assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

PHAs may require registration of the pet with the PHA [24 CFR 960.707(b)(5)]. Pets must be registered with the PHA before they are brought onto the premises. Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest free. This registration must be renewed annually and will be coordinated with the annual re-examination date. Payment of a pet deposit in the amount of $200.00 is also required.

WRHA Policy

The pet will not be approved to reside in a unit until completion of the registration requirements. No pet (excluding fish) shall be left unattended in any unit for a period in excess of twenty-four (24) hours.

Refusal to Register Pets

The PHA will refuse to register a pet if:

- The pet is not a common household pet as defined in Section 10-II C. below;
- Keeping the pet would violate any pet restrictions listed in this policy;
- The pet owner fails to provide complete pet registration information, fails to pay the pet deposit, or fails to update the registration annually;
- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order;
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the PHA refuses to register a pet, a written notification will be sent to the pet owner within ten (10) business days of the PHA's decision. The notice will state the reason for refusing to register the pet and will inform the family or their right to appeal the decision in accordance with the PHA's grievance procedures.

Pet Agreement
Residents who have been approved to have a pet must enter into a pet agreement with the PHA, or the approval of the pet will be withdrawn. The pet agreement is the resident's certification that he or she has received a copy of the PHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them. The resident further certifies by signing the pet agreement that he or she understands that noncompliance with the PHA's pet policy and applicable house rules may result in the withdrawal of PHA approval of the pet or termination of tenancy.

WRHA Policy
WRHA shall require any tenant approved to house a pet to enter into the WRHA Pet Agreement, abide by all the rules thereof and provide a statement from a licensed Veterinarian that the animal is current with all inoculations as required by local law. A decision to allow the animal to remain will be reviewed yearly during the tenant's re-examination.

10-II.C. STANDARDS FOR PETS
[24 CFR 5.318; 960.707(b)]

PHAs may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that the PHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

PHA's may not require pet owners to have any pet's vocal cords removed.

Definition of "Common Household Pet"
There is no regulatory definition of common household pets for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the

term. The regulations for pet ownership in elderly/disabled developments expressly authorize PHAs to define the term [24 CFR 5.306(2)].

WRHA Policy

WRHA shall define a common household pet as a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a household animal and is kept in the home. No animal used for commercial purposes shall be allowed. The following animals are not considered common household pets:

- Reptiles
- Rodents
- Insects
- Arachnids
- Wild animals or feral animals
- Pot-bellied pigs
- Animals used for commercial breeding

Types of Pets Allowed:

1. Dogs: MUST BE REGISTERED WITH MANAGEMENT
   Maximum number: 1
   Maximum Adult weight: 25 pounds
   Must be housebroken
   Must be spayed or neutered
   Must have all required inoculations
   Must be licensed as specified now or in the future by State law and local ordinance

2. Cats: MUST BE REGISTERED WITH MANAGEMENT
   Maximum number: 1
   Must be spayed or neutered
   Must have all required inoculations
   Must be trained to use a litter box or other waste receptacle
   Must be licensed as specified now or in the future by State law and local ordinance

3. Birds: Registration required
   Maximum number: 1
   Must be enclosed in a cage at all times

4. Fish: Registration required
   Maximum aquarium size: 20 gallons

5. Rodents: hamster, guinea pigs and gerbil ONLY; registration required
   Maximum number: 1
   Must be enclosed in an acceptable cage at all times
   Must have any or all inoculations as specified now or in the future by State law or local ordinance

Pet Restrictions

The following animals are not permitted:

- Any animal whose adult weight will exceed twenty-five (25) pounds.
- Dogs of the Pit Bull, Rottweiler, Chow, or Boxer breeds.

- Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations
- Any animal not permitted under state or local law or code.

WRHA Policy

WRHA shall not allow any animal that is prohibited by state or local law or code. All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet. Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents. There is a limit of one pet per household.

10-II.D. PET RULES

Pet owners must maintain pets responsibly, in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

Pet Area Restrictions

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried under the control of the resident or other responsible individual at all times. Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit. Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building. Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

Designated Pet/No-Pet Areas [24 CFR 5.318(g), Public Housing Occupancy Book, p 182]

PHAs may designate buildings, floors of buildings, or sections of buildings as no pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet owning tenants.

PHAs may direct initial tenant moves as may be necessary to establish pet and no pet areas. The PHA may not refuse to admit or delay admission of an applicant on the grounds that the applicant's admission would violate a pet or no pet area. The PHA may adjust the pet and no pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants. PHAs may not designate an entire development as a no pet area since regulations permit residents to own pets.

WRHA Policy

WRHA has not designated any buildings, floors or, sections of buildings for residency of pet owning tenants.

Cleanliness

The pet owner shall be responsible for the removal of waste from all PHA property by placing it in a sealed plastic bag and disposing of it in a designated trash container. The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

- Pet owners must promptly dispose of waste from litter boxes
- Pet owners must maintain litter boxes in a sanitary manner
- Litter shall not be disposed of by being flushed through a toilet

- Litter boxes shall be kept inside the resident's dwelling unit.

A separate pet waste removal charge of $30.00 per occurrence will be assessed against the resident for violations of the pet policy. It is mandated that cat and dog owners clean carpets annually at owner's expense.

Alterations to Unit
Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

Noise
Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment while in their unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, and other such noises.

Pet Care
Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet. Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and PHA employees. Any damage to PHA property will be the owner's responsibility.

WRHA Policy
Each pet owner of a dog or cat shall provide proof of annual carpet cleaning prior to the date of re-examination. Each pet owner agrees to notify WRHA immediately upon noticing any pest problems, ticks, fleas, etc. Each pet owner shall be held financially responsible for any and all treatment of pest problems incurred by housing the pet. No animals may be tethered or chained inside or outside the dwelling unit at any time. Any resident providing temporary care for another tenants pet must be approved by WRHA; care must be in pet owners premise and sign an affidavit agreeing to abide by the same rules and conditions of pet ownership.

Responsible Parties
The pet owner will be required to designate two responsible party for the care, health and safety of the pet should the owner develop any incapacity to do so.

Pets Temporarily on the Premises
Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals. This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by the PHA.

WRHA Policy
In cases where another person or tenant is taking temporary care of an approved pet, the care must take place in the pet owners unit. Any person taking temporary care of an approved pet must first be approved by WRHA. WRHA shall define temporary care as no more than 7 days.

Pet Rule Violations
All complaints of cruelty and all animal bites will be referred to animal control or any applicable agency for investigation and enforcement. If a determination is made on objective facts supported by written statements, that a resident / pet owner has violated the pet rules, written notice will be served. The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation.
- That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting.

- That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy.

Notice for Pet Removal
If the pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, they may be served notice to remove the pet. The notice will contain:

- A brief statement of the factual basis for the PHA's determination of the pet rule that has been violated.
- The requirement that the resident/pet owner must remove the pet within 30 calendar days of the notice.
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

Pet Removal
If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner. If the responsible party is unwilling or unable to care for the pet, or if the PHA after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy
The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:
The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified. The pet rule violation is sufficient to begin procedures to terminate tenancy under terms f the lease.

Emergencies
The PHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals. If it is necessary for the PHA to place the pet in a shelter facility, any cost incurred by the PHA will be the responsibility of the pet owner.

WRHA Policy
Immediately upon the death or incapacity for any reason of the owner to take care of the pet, WRHA will make the decision for placement of the animal based on the terms set forth in this ACOP. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

10-III.A. OVERVIEW
This part describes the PHA's policies for pet deposits and fees in elderly, disabled and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part 4.

10-III.B. PET DEPOSITS

Payment of Deposit
The PHA may require tenants who own or keep pets in their units to pay a partial refundable and non-refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)]. The maximum amount of pet deposit that may be charged by a PHA on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as the PHA may require. The PHA may permit gradual accumulation of the

pet deposit by the pet owner [24 CFR 5.318(d)(3)]. The pet deposit is not a part of the rent payable by the resident [24 CFR 5.318(d)(5)].

WRHA Policy
Pet owners are required to pay a $200.00 pet deposit in addition to any and all other required deposits. A refundable initial payment of $50.00 towards the full amount of the deposit must be paid before the pet is brought onto the premises.

Refund of Deposit [24 CFR 5.318(d)(1)]
The PHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of the tenant's dwelling unit. The PHA must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

WRHA Policy
WRHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 45 business days of move-out or removal of the pet from the unit. Additionally, the resident will be billed for any amount that exceeds the pet deposit. The tenant will be provided with a written list of any charges against the pet deposit within 45 business days of the move-out inspection. If the resident disagrees with the amount charged they may request an informal hearing to question the charges.

10-III.C. OTHER CHARGES

Pet Related Damages During Occupancy
WRHA Policy
All reasonable expenses incurred by WRHA as a result of damages attributable to the presence of the pet in the project will be the responsibility of the resident. The expense of flea elimination shall also be the responsibility of the resident. All cost incurred by pet damage shall be billed in accordance with the policies in Section 8-1. G, Maintenance and Damage Charges. **Pet deposits** will not be applied to the costs of pet-related damages during occupancy. Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge
The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

WRHA Policy
A separate pet waste removal charge of $30.00 per occurrence will be assessed. Charges are due and payable 15 calendar days after billing. Charges for pet waste removal are not part of rent payable by the resident.

PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

10-IV.A. OVERVIEW
This part describes the PHA's policies for pet deposits and fees for those who reside in general occupancy developments.

10-IV.B. PET DEPOSITS
A PHA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)]. A PHA that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. The PHA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

Payment of Deposit

WRHA Policy
Pet owners are required to pay a pet deposit of $200 in addition to any other required deposits. . A non-refundable initial payment of $50.00 towards the full amount of the deposit must be paid before the pet is brought onto the premises. The pet deposit is subject to the same regulations as a rental security deposit as defined in 55-248.11 of the Virginia Landlord Tenant Act. WRHA reserves the right to change or increase the required deposit by amendment to these rules. The pet deposit is not part of rent payable by the resident.

Refund of deposit
WRHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 45 days of move-out or removal of the pet from the unit. The resident will be billed for any amount that exceeds the pet deposit.

10-IV.C. NON-REFUNDABLE NOMINAL PET FEE
PHAs may require payment of a non-refundable nominal pet fee to cover the reasonable operating costs to the development relating to the presence of pets [24 CFR 960.707(b)(1).

WRHA Policy
WRHA reserves the right to charge non-refundable monthly fees of $15 to all pet owners based on an assessment of such pet. Initial fees and monthly fees are not part of rent payable by the resident.

PET REGISTRATION AND DESIGNATION OF ALTERNATE CAREGIVER

Resident: _____ Complex:_____

Address: _____

I have read, understand, and agree with the Pet Policy/Pet Agreement (signed copy attached and on file with the Housing Authority). I am registering the following pet:

Type of Pet (e.g., dog, cat)	Breed (e.g., poodle, Siamese)	Describe/Color (e.g., black, calico)	Adult Weight (e.g., 10 lbs)
_____	_____	_____	_____

Attach Veterinarian Certification:
Certificate must be signed by a licensed veterinarian or a state or local authority empowered to inoculate animals (or designated agent of such authority) stating that the pet has received all inoculations required by applicable law, the pet has no communicable disease, and is pest free.

Attach photo ----------►

I authorize the Housing Authority to remove my pet if needed per the Pet Policy procedures (attached and signed) at **my expense in the event I and my alternate caregivers (listed below) are incapable of doing so.**

Resident's Signature:_____ Date:_____

Alternate Caregiver No. 1: As the designated alternate pet caregiver, I agree to care for this pet when the above named Resident is unable to do so. Immediately upon my inability to fulfill this responsibility, I agree to notify the Resident and the Housing Authority. I have read, understand, and agree with the Housing Authority's Pet Policy/Pet Agreement.

Name:_____

Address:_____ Phone:_____

Signature:_____ Date:_____

Alternate Caregiver No. 2: As the designated alternate pet caregiver, I agree to care for this pet when the above named Resident is unable to do so. Immediately upon my inability to fulfill this responsibility, I agree to notify the Resident and the Housing Authority. I have read, understand, and agree with the Housing Authority's Pet Policy/Pet Agreement.

Name:_____

Address:_____ Phone:_____

Signature:_____ Date:____

COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring PHAs to implement a community service program for all non-exempt adults living in public housing.

Part 1: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency

Part 2: PHA Implementation of Community Service. This part provides PHA Implementation and program design.

PART I: COMMUNITY SERVICE REQUIREMENT

11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). PHAs and residents must comply with the community service requirement, effective with PHA fiscal years that commenced on or after October 1, 2000. Per 903.7(I)(1)(iii), the PHA plan must contain a statement of how the PHA will comply with the community service requirement, including any cooperative agreement that the PHA has entered into or plans to enter into. Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)]. In administering community service requirements, the PHA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

11-I.B. REQUIREMENTS

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

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

WRHA Policy

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. WRHA will make the determination of whether to permit a deviation from the schedule. Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify WRHA in writing five (5) business days of the circumstances becoming known. WRHA will review the request and notify the individual, in writing, of its determination within ten (10) business days. WRHA may require individuals to provide documentation to support their claim.

Definitions:

Exempt Individual [24 CFR 960.601(b)]

An exempt individual is an adult who:

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

WRHA Policy

WRHA will consider 30 hours per week as the minimum number of hours needed to qualify for work activity exemption. A tenant may be found exempt if they:

- Meet the requirements for being exempted from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Virginia, including a state administered welfare to work program

- Is in a family receiving assistance under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program in the state of Virginia, including a state administered welfare to work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service [PH Occupancy Guidebook, p 174]
Community service is volunteer work which includes, but is not limited to:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;

- Work with a nonprofit organization that serves PHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H programs, PAL, Garden Center, community clean-up programs, beautification programs, other youth or senior organizations;

- Work at the PHA to help improve physical conditions;

- Work at the PHA to help with children's programs;

- Work at the PHA to help with senior programs;

- Helping neighborhood groups with special projects;

- Working through a resident organization to help other residents with problems, serving as an officer in a resident organization, serving on the resident advisory board; or

- Caring for the children of other residents so they may volunteer.

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

Economic Self-Sufficiency Program [24 CFR 5.603(b)]
For purposes of satisfying the community service requirement, an economic self-sufficiency program is defined by HUD as: any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families. In addition to the HUD definition above, the PHA definition includes any of the following:

- Participating in the family self-sufficiency program and being current in the steps outlined in the individual training and services plan.

- Participating in the family self-sufficiency program and attending at least two FSS events annually.

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

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

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

- Unsubsidized employment
- Subsidized private sector employment
- On the job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with the respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance of secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program.

Notification Requirements [24 CFR 960.605(c)(2)]
The PHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for PHA verification of exempt status. The PHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt.

WRHA Policy
WRHA will provide the family with a copy of the Community Service Policy found in Exhibit 11-1 of this chapter, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request. On an annual basis, at the time of lease renewal, WRHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes non-exempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

The PHA must review and verify family compliance with service requirements annually at least thirty (30) days before the end of the twelve (12) month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-1 D., Documentation and Verification.

WRHA Policy

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

Annual Determination: Determination of Exemption Status
An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

WRHA Policy
At least sixty (60) days prior to lease renewal, WRHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or WRHA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are sixty-two (62) years of age and older, verification of exemption status will be done only at the initial examination. Upon completion of the verification process, WRHA will notify the family of its determination in accordance with the policy in Section 11-1 B., Notification Requirements.

Determination of Compliance
The PHA must review resident family compliance with service requirements annually at least thirty (30) days before the end of the twelve (12) month lease term [24 CFR 960.605(c)(3)]. As part of this review, the PHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

WRHA Policy
Approximately sixty (60) days prior to the end of the lease term, WRHA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have ten (10) business days to submit WRHA required documentation form(s). If the family fails to submit the required documentation within the required timeframe, or WRHA approved extension, the subject family members will be considered noncompliance will be issued pursuant to the policies in Section 11-1E., Noncompliance.

Change in Status Between Annual Determinations

WRHA Policy
Exempt to Non- Exempt Status
If an exempt individual becomes non-exempt during the twelve month lease term, it is the family's responsibility to report this change to WRHA within ten (10) business days. Within ten (10) business days of a family reporting such a change, or WRHA determining such a change is necessary, WRHA will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed. The effective date of the community service requirement will be the first of the month following a thirty (30) day notice.

Non-Exempt to Exempt Status
If a non-exempt person becomes exempt during the twelve month lease term, it is the family's responsibility to report this change to WRHA within ten (10) business days. Any claim of exemption will be verified by WRHA in accordance with the policy at 11-1 D., Documentation and Verification of Exemption Status. Within ten (10) business days of a family reporting such a change, or WRHA determining such a change is necessary, WRHA will provide the family with written notice that the family member is no longer subject to the community service requirement, if WRHA is able to verify the exemption. The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

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

WRHA Policy
All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. WRHA will provide a completed copy to the family and will keep a copy in the tenant file. WRHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7. WRHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with WRHA's determination, they can dispute the decision through the grievance procedures (see Chapter 14).

Documentation and Verification of Compliance
If qualifying community service activities are administered by an organization other than the PHA, a family member who is required to fulfill a service requirement must provide certification to the PHA, signed by the organization, that the family member has performed the qualifying activities [24 CFR 960.607].

WRHA Policy
If anyone in the family is subject to the community service requirement, WRHA will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement during the lease term, or upon request by the family. Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed. Families will be required to submit the documentation to WRHA, upon request. If WRHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, third-party verification may be required.

11-I.E. NONCOMPLIANCE

Initial Noncompliance
The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve (12) month lease term, but not for termination of tenancy during the course of the twelve (12) month lease term [24 CFR 960.603(b)]. If the tenant or another family member has violated the community service requirement, the PHA may not renew the lease upon expiration of the twelve (12) month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the PHA. Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve (12) month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit [24 CFR 960.607(c)].

Notice of Initial Noncompliance [24 CFR 960.607(b)]
If WRHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), the PHA must notify the tenant of this determination. The notice to the tenant must briefly describe the noncompliance. The notice must state that the PHA will not renew the lease at the end of the twelve (12) month lease term unless the tenants, and any other noncompliant resident, enter into a written agreement to cure the noncompliance, or the family provides written assurance that the tenant or other noncompliant resident no longer resides in the unit. The notice must also state that the tenant may request a grievance hearing

on PHA's determination, in accordance with the grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for nonrenewal of the lease because of the determination.

WRHA Policy
The notice of initial noncompliance will be sent at least forty-five (45) days prior to the end of the lease term. The family will have ten (10) business days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the twelve (12) month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing. If the family reports that a noncompliant family member is no longer residing in family must provide documentation that the family member has actually vacated the unit before WRHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them. If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required ten (10) business day timeframe, the PHA will terminate tenancy in accordance with the policies in Section 13-4 D.

Continued Noncompliance [24 CFR 960.607(b)]
If, after the twelve (12) month cure period, the family member is still not compliant, the PHA must terminate tenancy of the entire family, according to the PHA's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

WRHA Policy
Notices of continued noncompliance will be sent at least thirty (30) days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-4 D, Form, Delivery, and Content of the Notice. The family will have ten (10) business days from the date of the notice of noncompliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing. If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before WRHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them. If the family does not request a grievance hearing, or provide such documentation within the required ten (10) business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

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

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

WRHA Policy

If a disabled resident certifies that they are able to perform community service, but only with an accommodation, WRHA will ensure that request for reasonable accommodations are handled in accordance with the policies in Chapter 2.

PHA Program Design
The PHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

WRHA Policy
WRHA will provide information regarding qualifying activities for community service activities as the information becomes available. However, it is still the responsibility of the resident to fulfill the community service requirement.

EXHIBIT 11-I: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY

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

B. Definitions
Community Service – volunteer work which includes, but is not limited to:

- Work at a local institution, including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization such as: Parks and Recreation, United Way, Red Cross, Volunteers of America, Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H Program, PAL, Garden Center, community clean-up programs, beautification programs, other counseling, aid, youth or senior organizations.
- Work at the housing authority to help with litter control
- Work at the housing authority to help with children's programs
- Work at the housing authority to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems
- Serving as an officer in a resident organization
- Serving on the Resident Advisory Board

- Caring for children of other residents so they may volunteer

NOTE: Political activity is excluded.

Self-Sufficiency Activities – activities that include, but not limited to:

- Job readiness programs
- Job training programs
- GED classes
- Substance abuse or mental health counseling
- English proficiency or literacy (reading) classes
- Apprenticeships
- Budgeting and credit counseling
- Any kind of class that helps a person toward economic independence
- Student status at any school, college or vocation school

Exempt Adult – an adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under Section 216[i][l] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the primary caretaker of such an individual
- Is working at least 30 hours per week
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program including a State administered welfare to work program
- Is a member of a family receiving assistance, benefits or services under TANF or any other State welfare program and has not been found to be in noncompliance with such program

C. Requirements of the Program

- The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
- At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The housing authority will make the determination of whether to allow or disallow a deviation from the schedule based on a family's written request.

- Family obligation: at lease execution, all adult members (18 or older) of a public housing resident family must sign a certification that they have received and read the policy and understand that if they are not exempt, failure to comply with the community service requirement will result in a nonrenewal of their lease; and declare if they are exempt. If exempt, they must complete the Exemption Form (Exhibit 11-3) and provide documentation of the exemption.
-
- Upon written notice from the PHA, nonexempt family members must present complete documentation of activities performed during the applicable lease term. This documentation will include places for signatures of supervisors, instructors, or counselors, certifying to the number of hours contributed.

- Change in exempt status: if during the twelve (12) month lease period, a non-exempt person becomes exempt, it is his or her responsibility to report this to the PHA and provide documentation of exempt status.

- If during the twelve (12) month lease period, an exempt person becomes non-exempt, it is his or her responsibility to report this to the PHA. Upon receipt of this information the PHA will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.

D. Authority Obligation

- To the greatest extent possible and practicable, the PHA will: provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations and provide in-house opportunities for volunteer work or self-sufficiency activities.

- The PHA will provide the family with a copy of this policy, and all applicable exemption verification forms and community service documentation forms, at lease-up, lease renewal, when a family member becomes subject to the community service requirement during the lease term, and at any time upon the family's request.

- Although exempt family members will be required to submit documentation to support their exemption, the PHA will verify the exemption status in accordance with its verification policies. The PHA will make the final determination as to whether or not a family member is exempt from the community service requirement. Residents may use the PHA's grievance procedure if they disagree with the PHA's determination.

- Noncompliance of family member: at least thirty (30) days prior to the end of the 12 month lease term. The PHA will begin reviewing the exempt or non-exempt status and compliance of family members.
- If, at the end of the initial 12 month lease term under which a family member is subject to the community service requirement, the PHA finds the family member to be noncompliant, the PHA will not renew the lease unless: the head of household and any other noncompliant resident enter into a written agreement with the PHA, to make up the deficient hours over the next twelve (12) month period; or the family provides written documentation satisfactory to the PHA that the noncompliant family member no longer resides in the unit.

- If, at the end of the next 12 month lease term, the family member is still not compliant, a 30 day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to the PHA that the noncompliant family member no longer resides in the unit;

EXHIBIT 11-II: COMMUNITY SERVICE COMPLIANCE CERTIFICATION

Community Service Compliance Certification

I/We have received a copy of, have read and understand the contents of the Authority's Community Service/Self Sufficiency Policy.

I/We understand that this a requirement of the Quality Housing and Work Responsibility Act of 1998 and that if we do not comply with this requirement; our lease will not be renewed.

Resident_____ Date_____

Resident_____ Date_____

Resident_____ Date_____

EXHIBIT 11-III: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(1) and Section 1416 (excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

Social Security Act:

216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term "disability" means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt): SEC. 1416. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term "aged, blind, or disabled individual" means an individual who –

(A) Is 65 years of age or older, is blind (as determined under paragraph (2), or is disabled (as determined under paragraph (3), and

(B) (i) is a resident of the United States, and is either (l) a citizen or (ll) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or (ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(C) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(D) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

EXHIBIT 11-IV: PHA DETERMINATION OF EXEMPTION FOR COMMUNITY SERVICE

WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY

Community Service Exemption/Non-Exemption Certification

I am a Public Housing resident of the Housing Authority. I have been advised and notified by the Housing Authority that the Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt public housing adult residents (18 or older) contribute eight (8) hours per month of community service or participate in eight (8) hours of self-sufficiency activities, or a total of eight (8) hours combined each and every month the I am a Public Housing resident. I have also been provided with a copy of the Housing Authority's Community Service Policy. Based on my reading of the policy, I am not exempt from the policy and I agree that I will comply with it. As required by the policy, 30 days prior to the annual re-examination of my family, I will provide the Housing Authority with written documentation using the Housing Authority's form that verifies that I have met the requirements of the policy. I am also aware that if I do not comply with this requirement my family's lease will not be renewed. I certify that I am eligible for an exemption from the Community Service requirement for the following reason: (if none of the exemption statuses apply, please check the non-exempt status).

DATE	RESIDENT	RESIDENT	EXEMPTION STATUS
			( ) I am 62 years or older
			( ) I have a disability which prevents me from working (Certification of Disability Form will serve as documentation)
			( ) I am the caretaker of a disabled person who is not capable of work or community service (Certification of Disability Form for the person will serve as documentation)
			( ) I am working at least 30 hours every week (Employment Verification form will serve as documentation)
			( ) I am participating in a Welfare to Work Program (Must provide verification letter from agency)
			( ) I am receiving TANF/ participating in a required economic self-sufficiency program or work activity (Must provide verification from the funding agency that you are complying with job training or work requirements)
			( ) I am a full time student (Must provide verification letter from school attending)
			( ) **Non-exempt.** Contribute 8 hours of community service or self-sufficiency activities per month as a Public Housing Resident.

CHAPTER 12
TRANSFER POLICY

INTRODUCTION

This chapter explains the PHA's transfer policy, based on HUD regulations, HUD guidance, and PHA policy decisions. This chapter describes HUD regulations and PHA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: PHA Required Transfers. This part describes types of transfers that may be required by the PHA, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, de-concentration, transferring to another development and re-examination.

The PHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer. The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation. The PHA must have specific policies in place to deal with acceptable transfer requests.

PART I: EMERGENCY TRANSFERS

12-I.A. OVERVIEW

HUD categorizes certain actions as emergency transfers [PH Occupancy Guidebook, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the PHA.

In the case of a genuine emergency, it may be unlikely that the PHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the PHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is reached.

12-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

WRHA Policy

The following is considered an emergency circumstance (Priority One) warranting an immediate transfer of the tenant or family: Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours as determined by WRHA or other agencies.

Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

12-I.C. EMERGENCY TRANSFER PROCEDURES

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the PHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the PHA will transfer the resident to the first available and appropriate unit after the temporary relocation.

WRHA Policy

Emergency transfers are mandatory for the tenant and take precedence over new admissions and all other approved transfer requests.

12-I.D. COSTS OF TRANSFER

The PHA will bear the reasonable costs of temporarily accommodating the tenant and of long term transfers, if any, due to emergency conditions. The reasonable cost of transfers includes the cost of packing, moving, and unloading. The PHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the PHA will collect information from companies in the community that provide these services.

WRHA Policy

WRHA will reimburse the family for eligible out of pocket moving expenses as determined reasonable by WRHA and the descriptions set forth in the ACOP.

PART II: PHA REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the PHA to develop reasonable transfer policies. The PHA may require that a resident transfer to another unit under some circumstances. For example, the PHA may require a resident to transfer to make an accessible unit available to a disabled family. The PHA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a PHA may transfer residents in order to demolish or renovate the unit. A transfer that is required by the PHA is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

12-II.B. TYPES OF PHA REQUIRED TRANSFERS

The types of transfers that may be required by the PHA, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part 1 of this chapter.

WRHA Policy

Transfers deemed necessary and required by WRHA shall become mandatory for the tenant.

Transfers to Make an Accessible Unit Available

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

WRHA Policy

When a non-accessible unit becomes available, WRHA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. WRHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers
The PHA may require a resident to move when a re-examination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to PHA policy [24 CFR 960.257(a)(4)]. On some occasions, the PHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

WRHA Policy
WRHA will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For the purposes of the transfer policy, overcrowded and over-housed are defined as follows:
Overcrowded:
- The number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides according to the chart in Section 5-I.B.

Over-housed:
- the family no longer qualifies for the bedroom size in which they are living based on the PHA's occupancy standards as described in Section 5-I.B.

The PHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate sized based on the PHA's occupancy standards, when the PHA determines there is a need for the transfer. The PHA may elect not to transfer an over-housed family in order to prevent vacancies. A family that is required to move because of family size will be advised by the PHA that a transfer is necessary and that the family has been placed on the transfer list. Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Chapter 5-1 C. will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers
These transfers permit the PHA to demolish, sell or do major capital or rehabilitation work at a building site [PH Occupancy Guidebook, p. 148].

WRHA Policy
WRHA 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. The relocation plan may or may not require transferring affected families to other available public housing units. If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list. In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]
A PHA required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the PHA may not take action on the transfer until the conclusion of the grievance process.

12-II.D. COST OF TRANSFER
The PHA will bear the reasonable costs of transfers that are required. The OS (Occupancy Standards) transfers costs will be covered by the resident. The reasonable costs of transfers include the cost of packing, moving, and unloading. The PHA will establish a moving allowance based on the typical

costs in the community of packing, moving, and unloading. To establish typical costs, the PHA will collect information from companies in the community that provide these services.

WRHA Policy
WRHA will reimburse the family for eligible reasonable out of pocket moving expenses as determined by WRHA.

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW
HUD provides the PHA with discretion to consider transfer requests from tenants. The only requests that the PHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the PHA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the PHA. Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS
The types of requests for transfers that the PHA will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the PHA's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the PHA.

The PHA will consider the following as high priority transfer requests:

- When a transfer is needed to alleviate verified medical problems of a serious or life threatening nature

- When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the PHA's 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.

- When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

The PHA will consider the following as regular priority transfer requests:

- When a family requests a larger bedroom size unit even though the family does not meet the PHA's definition of overcrowded, as long as the family meets the PHA's occupancy standards for the requested size unit

- When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation and public transportation is not adequate.

WRHA shall review each requested transfer on a case by case study.

12-III.C. ELIGIBILITY FOR TRANSFER
Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the PHA may establish other standards for considering a transfer request [PH Occupancy Guidebook, p. 150].

WRHA Policy
Except where reasonable accommodation is being requested, WRHA will only consider transfer requests from residents that meet the following requirements:

- Have not engaged in criminal activity that threatens the health and safety or residents and staff
- Owe no back rent or other charges, or have a pattern of late payment
- Have no housekeeping lease violations or history of damaging property

A resident with housekeeping standard violations will not be transferred until the resident passes a follow-up housekeeping inspection. Exceptions to the good record requirement may be made when it is to the PHA's advantage to make the transfer.

12-III.D. SECURITY DEPOSITS
When a family transfers the family pays all outstanding charges due the PHA. The resident's security deposit may be transferred to the new dwelling unit provided the PHA does not claim all or any part of the security deposit. The resident shall pay all or any part of the security deposit required for the new dwelling unit, to either replace or supplement the security deposit from the original dwelling unit and/or to equal one month's rent to the transfer dwelling unit, or any balance remaining after any claims are made by the PHA.

WRHA Policy
Charges are due at the time of transfer.

12-III.E. COST OF TRANSFER
The PHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2006-13].

WRHA Policy
The resident will bear all of the costs of transfer requests. However, WRHA will bear the transfer costs when the transfer is accepted by WRHA as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS
Residents requesting a transfer to another unit or development will be required to submit a written request for transfer. In cases of a reasonable accommodation transfer, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted. The PHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family. If the family does not meet the "good record" requirements under Section 12-III.C, the manager will address the problem and, until resolved, the request for transfer will be denied.

WRHA Policy
WRHA will respond within ten (10) business days of the submission of the family's request. If WRHA denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW
Generally, transfers should be placed on a transfer list and handled in the appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience disparate treatment.

12-IV.B. TRANSFER LIST

The PHA will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.
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 following order:

1. Emergency transfers (hazardous maintenance conditions)

2. High priority transfers (elderly, verified medical condition, threat of harm or criminal activity, and reasonable accommodation)

3. Transfers to make accessible units available

4. Demolition, renovation, etc.

5. Occupancy standards

6. Other PHA required transfers
7. Other tenant requested transfers

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.

With the approval of the Director of Housing, the PHA 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.

Demolition and renovation transfers will gain the highest priority as necessary to allow the PHA to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions.

12-IV.C. PRE-TRANSFER INSPECTION

When the transfer request comes near the top of the wait list, the PHA will notify the resident of that fact and that a pre-transfer inspection will take place within 5 days of receiving the request. No transfers will be approved until a pre-transfer inspection is performed to ensure that the resident has remained "housekeeping" eligible to transfer. If the inspection is not satisfactory, the PHA will disapprove the transfer request and will take appropriate administrative action for any lease violation regarding poor housekeeping or poor maintenance of the unit. Exceptions will be made for emergency transfers.

12-IV.D. TRANSFER OFFER POLICY

Residents will receive one (1) offer of a transfer. The offer will state the date the unit will be ready for leasing. The family will have three (3) business days from the date of the offer to either accept the offer. When the transfer is required by the PHA, refusal of that offer without good cause will result in lease termination. When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six (6) months to reapply for another transfer.

12-IV.E. GOOD CAUSE FOR UNIT REFUSAL

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:
Inaccessibility to source of employment, education, or job training, children's day care, or an educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
The family demonstrates to the PHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for the good cause exemption. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move. The unit has lead based paint and the family includes children under the age of six.
The PHA will require documentation of good cause for unit refusals.

WRHA Policy

Exceptions will be made for all emergency transfers. Any tenant claiming good cause for refusal must submit written documentation and demonstrate the need.

12-IV.F. DECONCENTRATION

If subject to de-concentration requirements, the PHA will consider its de-concentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the PHA's de-concentration goals.

WRHA Policy

A de-concentration offer will be considered a "bonus" offer; that is, if a resident refuses a de-concentration offer, the resident will receive one additional transfer offer.

12-IV.G. RE-EXAMINATION POLICIES FOR TRANSFERS

WRHA Policy

The re-examination date will be changed to the first of the month in which the transfer took place.

EXHIBIT 12-I: TRANSFER REQUEST APPROVE/DENIAL

TRANSFER REQUEST

Name:_____ Client Number:_____

Address:_____ Current Bedroom Size:_____

Reason for Transfer:_____

_____

Signed:_____ Date:_____ Time:_____

FOR OFFICE USE ONLY

Type of Transfer: _____ Family Self Sufficiency / Home Ownership _____ Medical

_____ Displaced _____ Under-housed _____ Tenant Requested

Requested Bedroom Size:_____ Location: VA36PO17 - _____

Attach documentation to justify transfer.

Remarks:_____
_____
_____

APPROVALS

_____ Approved _____ Disapproved

Housing Staff Signature:_____ Date:_____

OCCUPANCY

Resident Assigned To:_____ Project:_____

Number of Bedrooms:_____ Assignment Date:_____

By:_____

HOUSING MANAGEMENT

Date Inspection Conducted:_____ _____Passed _____ Failed

Manager Offers Assignment: _____ Yes _____ No
Date:_____

Resident: _____ Accepts Assignment _____ Refuses Assignment Date:_____

_____ Returned to Occupancy Due to Failure of Inspection / Refusal

CHAPTER 13
LEASE TERMINATIONS

INTRODUCTION

Either party in a lease agreement may terminate the lease under certain circumstances. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program, to assure that qualified families are provided decent, safe, and sanitary housing which is in good repair. The PHA may terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations specify some reasons for which a PHA can terminate a family's lease, and give PHAs authority to determine other reasons.

When determining PHA policy on terminations, state and local landlord-tenant laws must be considered, since such laws could vary from one location to another. These variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern both the family's and PHA's termination of the lease. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the family's voluntary termination of the lease and the requirements the PHA places upon families who wish to terminate their lease.

Part II: Termination by PHA - Mandatory. This part describes the policies that govern how, and under what circumstances, a mandatory lease termination by the PHA occurs. This part also includes nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by PHA – Other Authorized Reasons. This part describes the PHA's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes PHAs to terminate. For some of these options HUD requires the PHA to establish policies and lease provisions for termination, but termination is not mandatory. For other options the PHA has full discretion whether to consider the options as just cause to terminate as long as the PHA policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the PHA may consider in lieu of termination, and the criteria the PHA will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

PART I: TERMINATION BY TENANT

13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the project office or the PHA

central office or sent by pre-paid first-class mail, properly addressed.

WRHA Policy

If a family desires to move and terminate their tenancy, they must give at least thirty (30) calendar days advance written notice to WRHA of their intent to vacate. When a family must give less than thirty (30) day notice due to circumstances beyond their control, WRHA, at its discretion, may waive the thirty (30) day requirement. The notice of lease termination must be signed by the head of household, spouse, or co-head.

PART II: TERMINATION BY PHA – MANDATORY

13-II.A. OVERVIEW

HUD requires the PHA to terminate the lease in certain circumstances. In other circumstances HUD requires the PHA to establish provisions for lease termination, but it is still a PHA option to determine, on a case-by-case basis, whether termination is warranted. For those tenant actions or failures to act where HUD requires termination, the PHA has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires the PHA to terminate the lease.

13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

The PHA must terminate the lease if any family member fails to sign and submit any consent form required for any reexamination. See Chapter 7 for a complete discussion of consent requirements.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.51 4(c) and (d) and 24 CFR 960.259(a)]

The PHA must terminate the lease if:

1. A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status
2. A family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members
3. A family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. , such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c) and 24 CFR 960.259(a)(3)], Notice PIH2012-10]

The PHA must terminate the lease if a resident family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number. See Chapter 7 for a complete discussion of documentation and certification requirements.

However, if the family is otherwise eligible for continued program assistance, and the PHA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the PHA may defer the family's termination and provide the opportunity to comply with the requirement

within a period not to exceed 90 calendar days from the date the PHA determined the family to be noncompliant.

WRHA Policy

The PHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

13-II.E. FAILURE TO ACCEPT THE PHA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

The PHA must terminate the lease if the family fails to accept the PHA's offer of a lease revision to an existing lease, provided the PHA has done the following:

- The revision is on a form adopted by the PHA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
- The PHA has made written notice of the offer of the revision at least sixty (60) calendar days before the lease revision is scheduled to take effect.
- The PHA has specified in the offer a reasonable time limit within that period for acceptance by the family.

See Chapter 8 for information pertaining to PHA policies for offering lease revisions.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 960.204(a)(3)]

The PHA must immediately terminate the lease if the PHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

See Part 13-III B. below for the HUD definition of *premises.*

ONE STRIKE AND YOU'RE OUT POLICY

The Housing Authority shall terminate the tenancy of any resident who:

- the Housing Authority has determined is illegally using a controlled substance
- the Housing Authority has determined that the resident's abuse of alcohol interferes with the health, safety of right to peaceful enjoyment of the premises by other residents
- the Housing Authority has determined to be engaging in drug-related criminal activity on or off the premises
- engages in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

WRHA Policy

WRHA shall track crime related problems in its development and report any incidence of crime to the local police authorities to improve law enforcement and crime prevention. WRHA will forward to the local police authorities any resident complaints received concerning crime related problem and will review the police reports and newspaper articles concerning crime related problems with our residents

and bring the problems to the attention of the proper local police personnel.

WRHA shall document that it is meeting its goals under the implementation plan for any drug prevention or crime reduction program funded by the Department of Housing and Urban Development and being administered by WRHA.

13-II.G. VIOLENT CRIMINAL CONVICTION [24 CFR 960.203(c)(3) §960.204]

The PHA must immediately terminate the lease if the PHA determines that any household member has ever been convicted of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

13-II.H. PERSONS SUBJECT TO SEX OFFENDER REGISTRATION REQUIRMENTS [24CFR 960.204 (4)]

The PHA must immediately terminate the lease if the PHA determines that any household member has ever been charged/convicted and is subject to registration as a sex offender

13-II.I. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

The PHA is prohibited from renewing the lease at the end of the twelve (12) month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

13-II.J. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-4]

The PHA must immediately terminate the lease following the death of the sole family member.

PART III: TERMINATION BY PHA – OTHER AUTHORIZED REASONS

13-III.A. OVERVIEW

Besides requiring PHAs to terminate the lease under the circumstances described in Part II, HUD requires the PHA to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require PHAs to terminate for such violations in all cases. The PHA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and the PHA may, as an alternative to termination, require the exclusion of the culpable household member. The PHA must make policy decisions concerning these options.

In addition, HUD authorizes PHAs to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or that are for other good cause. The PHA must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the PHA lease. In the development of the terms of the lease, the PHA must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords PHAs wide discretion in some areas, a broad range of policies could be acceptable.

The PHA, with some restrictions, also has the option to terminate the tenancies of families who are over income.

The PHA may consider alternatives to termination and must establish policies describing the criteria the PHA will use when deciding what action to take, the types of evidence that will be acceptable, and the steps the PHA must take when terminating a family's lease.

13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore PHA policies are needed.

***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

Covered person means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

Dating violence is defined in section 3-3 F. Domestic violence is defined in section 3-3 F.

Drug *means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].*

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

Guest means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Household means the family and PHA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

Immediate family member is defined in section 3-3 F.

Other person under the tenant's control means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

Premises mean the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Stalking is defined in section 3-3 F.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

<u>WRHA Policy</u>

WRHA will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

WRHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity. In making its decision to terminate the lease, WRHA will consider alternatives as described in Section 13-III.D and other factors

as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, WRHA may, on a case-by-case basis, choose not to terminate the lease.

Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]
The lease must provide that a PHA may evict a family when the PHA determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

WRHA Policy
WRHA will terminate the lease when it is determined that a household member is illegally using a drug or it is determined that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

WRHA shall define a pattern of illegal drug use as more than one incident of any use of illegal drugs during the previous twelve months.

WRHA shall consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, WRHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, WRHA may, on a case-by-case basis, choose not to terminate the lease.

Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]
The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including PHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is ground for termination of tenancy.

WRHA Policy
WRHA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including WRHA management and staff) or by persons residing in the immediate vicinity of the premises.

The PHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity. In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III D and other factors as described in Sections 13-III E and 13-III F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]
PHAs must establish standards that allow termination of tenancy if the PHA determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
WRHA Policy
WRHA will terminate the lease if they shall determine that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

WRHA shall define a pattern of such alcohol abuse as more than one incident of any such abuse of alcohol during the previous six months.

WRHA shall consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.
In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]
PHAs must establish standards that allow termination of tenancy if the PHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

WRHA Policy
WRHA will terminate the lease if it is determined that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

WRHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, WRHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, WRHA may, on a case-by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]
HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [Public Law 109-1 62].

WRHA Policy
WRHA will terminate the lease for the following violations of tenant obligations under the lease:

- Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due)
- Repeated late payment of rent or other charges is defined as three summonses for unlawful detainers and/or warrants in debt in a twelve month period (January –December)"
- Failure to fulfill the following household obligations:

  Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member

  Not to provide accommodations for boarders or lodgers

  To use the dwelling unit solely as a private dwelling for the tenant and the

tenant's household as identified in the lease

To abide by necessary and reasonable regulations promulgated by WRHA for the benefit and well-being of the housing project and the tenants which shall be posted in the management office and incorporated by reference in the lease

To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety

To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition

To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner

To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators

To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project

To refrain from removal of the smoke detector with one and only one warning which may lead to a $50.00 charge and second violation leading to termination of the lease.

To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to buildings, facilities or common areas) caused by the tenant, a member of the household or a guest

To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes PHAs to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as "other good cause."

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

HUD regulations state that the PHA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the PHA to only those examples. The Violence against Women Reauthorization Act of 2005 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, or stalking as "other good cause" for terminating the tenancy or occupancy rights of the victim of such violence.

WRHA Policy

WRHA will terminate the lease for the following reasons.

Fugitive Felon or Parole Violator. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or violating a condition of probation or parole imposed under federal or state law.

Persons subject to sex offender registration requirement. If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery after admission of facts that made the tenant ineligible include but are not limited to:

- Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for the PHA to make determinations with respect to rent, eligibility, and the appropriateness of dwelling size
- Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available
- Failure to permit access to the unit by the PHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists
- Failure to promptly inform the PHA of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.
- Failure to abide by the provisions of the PHA pet policy
- If the family has breached the terms of a repayment agreement entered into with the PHA
- If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- If a household member has engaged in or threatened violent or abusive behavior toward PHA personnel.

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

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

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Family Absence from Unit [24 CFR 982.551(i)]

It is reasonable that the family may be absent from the public housing unit for brief periods. However, the PHA needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any requested information or certification on the purposes of family absences. The family must cooperate fully with the PHA for this purpose.

<u>WRHA Policy</u>

The family must promptly notify WRHA when any family members will be absent from the unit for an

extended period. WRHA shall define an extended period as any period greater than 30 calendar days. In this case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit; WRHA will terminate the lease for other good cause.

If the family appears to have vacated the unit without giving proper notice, WRHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, WRHA will secure the unit immediately to prevent vandalism and other criminal activity.

Deceased Resident

When a resident dies and there are no other adult tenants on the lease, the lease shall be terminated immediately. If others are listed on the lease, as adults 18 and over, a recertification must take place.

WRHA Policy

If no other adult persons are on the lease, WRHA will change the locks to preserve the belongings of the deceased resident immediately.
If no other adult persons are on the lease, WRHA will conduct an inspection of the unit.
Any property that is deemed unsafe or unhygienic will immediately be disposed of. A list of disposed property will be placed in the resident's file.
WRHA will allow only authorized representatives of the deceased resident's family access to the apartment during working hours and only after the authorized representative has completed an "Affidavit for Entry to the Apartment."
All documentation of unit entry will be placed it in the resident's file.
All unit entries shall be accompanied by a WRHA staff member.
Children, parents, brothers/sisters, etc. do not automatically have rights of access to the apartment. They will be provided limited access for immediate burial activities, accompanied by WRHA staff member.
WRHA shall deem that a power of attorney document ceases to be valid at the time of death.
The emptying of the resident's unit will be completed within 14 days of the death.
All property removed from the deceased tenants unit, either by WRHA staff or tenant family members, will be documented and included in the tenants file.

Over-Income Families [24 CFR 960.261 and FR 11/26/04, p. 68786]

Subject to certain restrictions, HUD authorizes PHAs to evict or terminate the tenancies of families because they are over income. Unless required to do so by local law, the PHA may not evict or terminate the tenancy of a family solely because the family is over income if: (1) the family has a valid contract of participation in the Family Self- Sufficiency (FSS) program, or (2) the family is currently receiving the earned income disallowance. This rule does not require PHAs to evict over-income residents, but rather gives PHAs the discretion to do so thereby making units available for applicants who are income-eligible.

WRHA Policy

WRHA will not evict or terminate the tenancies of families based solely on income.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that the PHA may consider exclusion of the culpable household member. Such an alternative can be used,

by PHA policy, for any other reason where such a solution appears viable.

WRHA Policy

WRHA will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination. As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon request.

Repayment of Family Debts

If a family owes amounts to the PHA, as a condition of continued occupancy, the PHA will require the family to repay the full amount or to enter into a repayment agreement, within thirty (30) days of receiving notice from the PHA of the amount owed. See Chapter 16 for policies on repayment agreements.

WRHA Policy

WRHA shall, on a case by case situation, decide to enter into a repayment agreement with the family.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

A PHA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence [24 CFR 982.553(c)]

For criminal activity, HUD permits the PHA to terminate the lease if a **preponderance of the evidence** indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

WRHA Policy

WRHA will use the concept of the preponderance of the evidence as the standard for making all termination decisions. WRHA shall define preponderance of the evidence as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the PHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease. Such relevant circumstances can also be considered when terminating the lease for any other reason. The PHA will consider the following factors before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents
- The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities,

or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, or stalking

- The effects that the eviction will have on other family members who were not involved in the action or failure to act
- The effect on the community of the termination, or of the PHA's failure to terminate the tenancy
- The effect of the PHA's decision on the integrity of the public housing program
- The demand for housing by eligible families who will adhere to lease responsibilities
- The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action
- The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future
- In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]

HUD authorizes PHAs to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

WRHA Policy

In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, WRHA will consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose WRHA will require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully. All reporting agencies must be accredited by local or federal authorities to administer such services.

Reasonable Accommodation [24 CFR 966.7]

If the family includes a person with disabilities, the PHA's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

WRHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, WRHA will determine whether the behavior is related to the disability. If so, and upon the family's request, WRHA will determine whether alternative measures are appropriate as a reasonable accommodation. WRHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]

WRHA Policy

WRHA's eviction actions will be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

13-III.F. TERMINATION RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSUALT, OR STALKING

This section addresses the protections against termination of tenancy that the Violence aginst Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and PHA policies pertaining to notifications, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

VAWA Protections against Termination [24 CFR 5.2005(c)]

VAWA provides that no person may deny assistance, tenancy, or occupancy rights to public housing to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest of or other person under the control of the tenant, if the tenant or affiliated individual is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (FR Notice 8/6/13).

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as serious or repeated violations of the lease by the victim or threatened victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1), FR Notice 86//13]

VAWA and Other Laws [Public Law 109-1 62]

VAWA does not supersede any other federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, or stalking. Moreover, VAWA does not limit the PHA's duty to honor court orders issued to protect a victim or to address the distribution of property when a family breaks up.

Limits on VAWA Protections [Public Law 109-1 62]

While VAWA prohibits a PHA from using domestic violence, dating violence, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

VAWA does not limit a PHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that the PHA does not subject the victim to a more demanding standard than other tenants.

VAWA does not limit a PHA's authority to terminate the tenancy of any public housing tenant if the PHA 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.

<u>WRHA Policy</u>

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, WRHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking

- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the tenant wishes to contest the PHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Victim Notification [Notice PIH 2006-42]
VAWA requires PHAs to notify tenants of their rights under VAWA and to inform them about the existence of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. (For general VAWA notification policies, see section 16-VII.C.) Notice PIH 2006-42 identifies two ways that a PHA may fulfill this requirement in the event of a termination or start of an eviction proceeding:

- It may enclose the form with the termination or eviction notice and direct the family to complete, sign, and return the form, if applicable, by a specified date.
- It may include language discussing the protections provided by VAWA in the termination or eviction notice and request that a tenant come to the PHA office and pick up the form if the tenant believes the VAWA protections apply.

Notice PIH 2006-42 points out that mailing the certification form in response to an incident could place the victim at risk, since the abuser may be monitoring the mail. In such cases, the notice recommends that PHAs work with tenants to make other delivery arrangements.

<u>WRHA Policy</u>
WRHA will follow the lease termination notice policy stated above. If they have reason to suspect that the notice might place a victim of domestic violence at risk, WRHA will attempt to deliver the notice by hand directly to the victim. WRHA will use the same caution if it decides to deliver VAWA information to a victim at any other time following an incident of domestic violence.

Victim Documentation [Notice PIH 2006-42]
VAWA authorizes PHAs responding to incidents of actual or threatened domestic violence, dating violence, or stalking to request in writing that a tenant complete, sign, and submit a HUD-approved certification form (form HUD-50066).

In lieu of a certification form, or in addition to the certification form, a tenant may provide one of the following:

- A federal, state, tribal, territorial, or local police or court record documenting the domestic violence, dating violence, or stalking
- 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 such abuse, in which the professional attests under penalty of perjury to the professional's belief that the incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation

A PHA is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, or stalking in order to receive the protections of VAWA. A PHA may, at its discretion, provide assistance to an individual

based solely upon the individual's statement or other corroborating evidence.

VAWA specifies that a victim of domestic violence, dating violence, or stalking must provide documentation of abuse within 14 business days after receipt of a written request for such documentation by a PHA. If the victim does not provide the documentation within that time frame, or any extension approved by the PHA, the victim forfeits the protections against termination afforded by VAWA, and the PHA is free to evict or terminate the assistance of the victim in accordance with otherwise applicable law and lease provisions.

WRHA Policy

When a tenant family is facing lease termination because of the actions of a tenant, household member, guest, or other person under the tenant's control and a tenant or immediate family member of the tenant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, WRHA will request in writing that the individual submit documentation affirming that claim. The written request will include explicit instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline. The documentation will consist of a completed and signed form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. In lieu of the certification form, WRHA will accept either of the following forms of documentation:

- A police or court record documenting the actual or threatened abuse
- Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice.

The individual claiming victim status must submit the requested documentation within fourteen (14) business days after receipt of the PHA's written request or must request an extension within that time frame. The PHA may, at its discretion, extend the deadline for 10 business days.

If the individual provides the requested documentation within fourteen (14) business days, or any PHA-approved extension, the PHA will reconsider its termination decision in light of the documentation.

If the individual does not provide the requested documentation within fourteen (14) business days, or any PHA-approved extension, the PHA will proceed with termination of the family's lease in accordance with applicable local, state, and federal law and the policies in this ACOP.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide protection for perpetrators. In fact, VAWA gives the PHA the explicit authority to bifurcate a lease, or to remove a household member from a lease, "in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." Specific lease language affirming this authority is not necessary. Further, the authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local,

state, or federal law for eviction, lease termination, or termination of assistance [Public Law 109-271]. This means that the PHA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

WRHA Policy

WRHA will bifurcate a family's lease and terminate the tenancy of a family member if it is determined that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members.

In making its decision, WRHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted by the victim in accordance with this section. WRHA will also consider the factors in section 13.III.E. Upon such consideration, WRHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If WRHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If necessary, WRHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, WRHA may offer the remaining family members another public housing unit, if available; it may help them relocate to a confidential location; or it may refer them to a victim service provider or other agency with shelter facilities.

PHA Confidentiality Requirements [Public Law 109-162]

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

WRHA Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, WRHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

1 3-IV.A. OVERVIEW

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]

HUD authorizes PHAs to conduct criminal records checks on public housing residents for lease enforcement and eviction. PHA policy determines when the PHA will conduct such checks.

WRHA Policy

WRHA will conduct criminal records checks when it has come to the attention, either from local law enforcement or by other means that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

The PHA may not pass along to the tenant the costs of a criminal records check.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]

In conducting criminal records checks, if the PHA uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if the PHA obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, the PHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

WRHA Policy

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, WRHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of the notice, to dispute the accuracy and relevance of the information. If the family does not contact WRHA to dispute the information within that 10 business day period, WRHA will proceed with the termination action.

The tenant will have the right under the polices set forth in this ACOP, to dispute the action through a grievance hearing.

13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)] Form, Delivery, and Content of the Notice

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine PHA documents directly relevant to the termination or eviction. If the PHA does not make the documents available for examination upon request by the tenant, the PHA may not proceed with the eviction [24 CFR 996.4(m)]. When the PHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the PHA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When the PHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice

of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the PHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA, or for a drug-related criminal activity on or off the premises.

WRHA Policy

WRHA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. (For terminations related to domestic violence, see also the policy under "Victim Notification" in section 13-III.F.) If such attempt fails, the notice will be sent by first-class mail the same day. All notices of lease termination will include a statement of the protection against termination provided by the Violence against Women Reauthorization Act of 2005 (VAWA) for victims of domestic violence, dating violence, or stalking. They will also include a copy of form HUD- 50066, Certification of Domestic Violence, Dating Violence, or Stalking. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in section 13-III.F.

Timing of the Notice [24 CFR 966.4(l)(3)(i)]

The PHA must give written notice of lease termination for the following:

- The health or safety of other residents, PHA employees, or persons residing in the immediate vicinity of the premises is threatened
- If any member of the household has engaged in any drug-related criminal activity or violent criminal activity
- If any member of the household has been convicted of a felony

The PHA shall send notice in a timely manner as follows:

- Fourteen (14) calendar days in the case of failure to pay rent
- A reasonable period of time considering the seriousness of the situation (but not to exceed thirty (30) calendar days)
- Thirty (30) calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply

WRHA Policy

WRHA will give written notice of fourteen (14) calendar days for nonpayment of rent. All other lease terminations will be given thirty (30) days written notice or, if state or local law allows less than 30 days, such shorter notice will be given. The notice to vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

When the PHA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Chapter 11-I E.

WRHA Policy

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above. If a family agreed to cure initial noncompliance by signing an agreement, and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Chapter 11-I E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for the PHA's informal hearing procedures.

13-IV.E. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The PHA may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

WRHA Policy

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, WRHA will follow state and local landlord- tenant law in filing an eviction action with the local court that has jurisdiction in such cases. If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, WRHA will seek the assistance of the court to remove the family from the premises as per state and local law.

The PHA may not proceed with an eviction action if the PHA has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

13-IV.F. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]

When the PHA evicts an individual or family for criminal activity, including drug-related criminal activity, the PHA must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

13-IV.G. RECORD KEEPING

For more information concerning general record keeping, see Chapter 16

WRHA Policy

A written record of every termination and/or eviction will be maintained by WRHA and will contain the following information:

- Name of resident, number and identification of unit occupied
- Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)
- Date and method of notifying the resident
- Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

13-I AFFIDAVIT FOR ENTRY TO APARTMENT FOLLOWING THE DEATH OF RESIDENT

I/we _____ request permission to enter the residence of _____, residing at _____. The resident died on the _____day of _____, 200___.

My/our relationship with the deceased is _____.

The purpose of this entry is:

- ☐ Removable of belongings
- ☐ Cleaning of unit
- ☐ Other – specify _____.

WRHA requires proof of identity prior to entry being granted. Refusal to provide proof of identity will result in entry being prohibited.

Signature: _____ Date _____

Signature: _____ Date _____

Signature: _____ Date _____

Approved: _____ Date _____
Public Housing Manager

(attach a copy of proof of identity to form and retain in Resident's file)

ENTRY DOCUMENTATION LOG

Resident	
Address	

Date	
Name of Person (s) entering	
Relationship to Resident	
Purpose of Entry	

Date	
Name of Person (s) entering	
Relationship to Resident	
Purpose of Entry	

Date	
Name of Person (s) entering	
Relationship to Resident	
Purpose of Entry	

CHAPTER 14
GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to PHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the PHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS 14-I.A.

OVERVIEW

When the PHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the PHA policies necessary to respond to applicant appeals through the informal hearing process.

14-I.A. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occupancy Guidebook, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in the PHA grievance procedure [24 CFR 966.53(a) and PH Occupancy Guidebook, p. 58]. Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

Use of Informal Hearing Process

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

WRHA Policy

WRHA will offer informal hearings to all applicants who have been determined ineligible for admission. Informal hearings for applicants who wish to dispute other actions other than ineligibility will be determined on a case by case basis.

Notice of Denial [24 CFR 960.208(a)]
The PHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the PHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.
Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

Scheduling an Informal Hearing

WRHA Policy
A request for an informal hearing must be made in writing and delivered to WRHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the notification of denial of admission. WRHA will schedule and send written notice of the informal hearing within ten (10) business days of the family's request.

Conducting an Informal Hearing [PH Occupancy Guidebook, p. 58]
The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of the PHA. The person conducting the informal hearing will make a recommendation to the PHA, but the PHA is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision [PH Occupancy Guidebook, p. 58]
The PHA will notify the applicant of the PHA's final decision, including a brief statement of the reasons for the final decision. In rendering a decision, the PHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice
- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in PHA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The PHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the PHA will uphold the decision to deny admission.
- If the facts prove the grounds for denial, and the denial is discretionary, the PHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 business days of the informal hearing, to the applicant and his or her representative, if any. If the informal hearing decision overturns the denial, processing for admission will resume. If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]
Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the PHA must consider such accommodations. The PHA must also consider reasonable

accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

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

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

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

Notice of Denial or Termination of Assistance [24 CFR 5.51 4(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

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

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and proof of mailing. The PHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results. The family must provide the PHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS. The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results. The USCIS will notify

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

WRHA Policy

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

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

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within thirty (30) days of receipt of the USCIS appeal decision. The informal hearing procedures for applicant families are described below.

Hearing Officer

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

Evidence

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

WRHA Policy

The family will be allowed to copy any documents related to the hearing at a cost of $.25 per page. The family must request discovery of documents no later than 12:00 p.m. on the business day prior to the hearing. The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family will also be provided the opportunity to refute evidence relied upon by WRHA, and to confront and cross-examine all witnesses on whose testimony or information WRHA relied upon to make its decision.

Representation and Interpretive Services

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

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

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape at their expense.

WRHA Policy

WRHA will not provide a transcript for informal hearings.

Hearing Decision

The PHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within fourteen (14) calendar days of the date of the informal hearing. The

notice must state the basis for the decision.

Retention of Documents [24 CFR 5.51 4(h)]
The PHA must retain for a minimum of five (5) years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

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

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]
After notification of the United States Citizenship and Immigration Services (USCIS) decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the PHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of the PHA notice of termination, or within thirty (30) days of receipt of the USCIS appeal decision. The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part 3 below.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]
PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any PHA action or failure to act involving the lease or PHA policies which adversely affect their rights, duties, welfare, or status. The PHA grievance procedure must be included in, or incorporated by reference in, the lease.

<u>WRHA Policy</u>
WRHA shall incorporate a formal grievance procedure, by reference, in the tenant lease.
WRHA will provide at least thirty (30) days' notice to tenants and resident organizations setting forth any proposed changes in the grievance procedure, and provide an opportunity for them to present written comments. Comments submitted will be considered by WRHA before adoption of any grievance procedure changes. Residents and resident organizations will be given thirty (30) calendar days from the date they are notified of any proposed changes, to submit their written comments. A copy of the formal grievance procedure will become a part of this ACOP, and a copy will be given to each tenant and resident organizations.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51 (a)(2)(i)]
There are several terms used by HUD with regard to public housing grievance procedures, which

take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status
- **Complainant** – any tenant whose grievance is presented to the PHA or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
    - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
    - Right of the tenant to be represented by counsel
    - Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross- examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
    - A decision on the merits
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto

- **Tenant** – the adult person (or persons) (other than a live-in aide) Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit, Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit

14-III.C. APPLICABILITY [24 CFR 966.51]

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

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

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

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

- Any violent or drug-related criminal activity on or off such premises

- Any criminal activity that resulted in felony conviction of a household member

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, but may use expedited grievance procedures, as described in Section 14-III.E. below, to deal with the first two of the above three categories of lease terminations.

If HUD has issued a due process determination, the PHA may evict through the state/local judicial eviction procedures. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA's grievance procedure as described above.

WRHA Policy
WRHA shall use due process for evictions through the state/local judicial eviction procedures and will not offer an opportunity for a grievance hearing regarding the reasons for termination mentioned above.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]
HUD regulations state that any grievance must be personally presented, either orally or in writing, to the PHA office or to the office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

WRHA Policy
WRHA will accept requests for an informal settlement of a grievance either orally or in writing, within 10 business days of the event constituting the grievance. Within ten (10) business days of receipt of the request WRHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant. If a tenant fails to attend the scheduled meeting without prior notice, WRHA will re-schedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities. WRHA shall define good cause as: an unavoidable conflict which seriously affects the health, safety or welfare of the family

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the PHA's tenant file. The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a formal hearing may be obtained if the complainant is not satisfied with the informal settlement procedures.

WRHA Policy
WRHA will prepare a summary of the informal settlement within five (5) business days; one copy to be given to the tenant and one copy to be retained in the tenants file.

WRHA will have the option to establish an expedited grievance procedure, and exercise this option to those grievances for which the expedited procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]
Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]
All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal settlement process to the hearing officer/panel, the hearing officer/panel may waive this provision [24 CFR 966.55(d)].

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

WRHA Policy
A written request for a grievance hearing must be presented to WRHA within 5 business days of the tenant's receipt of the summary of the informal settlement. If the complainant does not request a hearing, the disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

Escrow Deposits [24 CFR 966.55(e)]
Before a hearing is scheduled in any grievance involving the amount of rent that the PHA claims is due, the family must pay an escrow deposit to the PHA. When a family is required to make an escrow deposit, the amount is the amount of rent the PHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit the

family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

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

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

WRHA Policy
WRHA will only waive the escrow requirement for grievances involving rent amounts when required to do so by regulation as set forth above.

Scheduling of Hearings [24 CFR 966.55(f)]
If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably convenient to both the complainant and the PHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate PHA official.

WRHA Policy
Within 10 business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to the complainant. The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. WRHA shall define good cause as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, WRHA may request documentation of the "good cause" prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.55(g)]
The PHA may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA, or
- Any drug-related criminal activity on or near such premises

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable. The PHA may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling, or provisions for expedited decision on the grievance.

WRHA Policy
WRHA will follow expedited grievance procedures for any grievance concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of WRHA, or any drug-related criminal activity on or near such premises. WRHA expedited procedures are as follows:

The complaint will have three (3) business days to make their hearing request. The hearing officer will have three (3) business days to schedule the hearing, and three (3) business days to render a decision. All other aspects of the expedited grievance process shall be the same as for other grievances.

14-III.F. SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]

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

WRHA Policy

WRHA grievance hearings will involve 3 levels of appeal for all grievable matters. Level 1 will involve an Informal Hearing to be conducted by a Hearing Officer appointed by the Executive Director. The Hearing Officer must not be a subordinate to the staff member whom the grievance is against and should have the appropriate certification and training. The Executive Director may also conduct the Informal Hearing at his/her discretion or in the absence of a Hearing Officer. Level 2 will involve a Grievance Panel consisting of no less than 3 members of the Housing Authority's Advisory Committee, who will be appointed by the Chair of the Advisory Committee. Level 3 will involve the unresolved matter to be presented to the Board of Commissioners. (See attached chart)

WRHA will consult with resident organizations before appointing a hearing officer or hearing panel members. Comments from the resident organizations will be considered before making any final appointment.

14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56] Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing which includes:

- The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.
- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

WRHA Policy

The tenant will be allowed to copy any documents related to the hearing at a cost of $.25 per page. The tenant must request discovery of documents no later than 12:00 p.m. on the business day prior to the hearing. The tenant shall have the right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.

Hearings may be attended by the following applicable persons:

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

Decision without Hearing [24 CFR 966.56(c)]

The hearing officer/panel may render a decision without proceeding with the hearing if the hearing

officer/panel

Failure to Appear [24 CFR 966.56(d)]

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

WRHA Policy

If the complaint does not appear at the scheduled time of the hearing, the hearing officer/panel will wait up to 30 minutes. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear. Should the complaint contact WRHA within 24 hours of the missed hearing date, excluding weekends and holidays, and show good cause for failure to appear, the hearing officer will reschedule the hearing. WRHA shall define good cause as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

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

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)]. The hearing must be conducted informally by the hearing officer/panel. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

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

Oral evidence: the testimony of witnesses

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

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

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

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

If the PHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine PHA documents prior to the grievance hearing), the hearing officer will not be capable to admit such evidence.

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

The hearing officer/panel must require the PHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer/panel to obtain order may result in exclusion from the proceedings or in a decision

adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

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

WRHA Policy
If the complainant would like to record the proceedings by audiotape, the request must be made the by 12:00 p.m. on the business day prior to the hearing. All arrangements for the request must first be approved by WRHA and all costs shall be at the expense of the complainant. Audio tape recording by either party shall be considered a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]
The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format. See Chapter 2 for a thorough discussion of the PHA's responsibilities pertaining to reasonable accommodation.

14-III.H. DECISION OF THE HEARING OFFICER/PANEL [24 CFR 966.57]

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

WRHA Policy
In rendering a decision, the hearing officer/panel will consider the following:

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

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

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

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

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

Hearing information:

Name of the complainant

Date, time and place of the hearing

Name of the hearing officer/panel

Name of the PHA representative(s)

Name of family representative (if any)

Names of witnesses (if any)

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

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

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

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

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

Procedures for Further Hearing

The hearing officer may ask the family and or the PHA for additional information and may adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer without good cause, the action of the PHA will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer/panel is binding on the PHA which must take the action, or refrain from taking the action cited in the decision unless the PHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA policies which adversely affect the complainant's rights, duties, welfare, or status; or

The decision of the hearing officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA.

WRHA Policy

Should WRHA consider the decision of the hearing officer/panel to be invalid due to the reasons stated above, it will present the matter to the WRHA Board of Commissioners within 10 business days of the date of the hearing officer/panel's decision. The Board has thirty (30) calendar days to consider the decision. If the Board decides to reverse the hearing officer/panel's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer/panel, or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

Williamsburg Redevelopment and Housing Authority
Grievance Procedure

I. Definitions applicable to the grievance procedure: (24 CFR 966.53)

Grievance: Any dispute a Tenant may have with respect to Housing Authority action or failure to act in accordance with the individual Tenant's lease or Housing Authority regulations that adversely affects the individual Tenant's rights, duties, welfare or status.

Complainant: Any Tenant (as defined below) whose grievance is presented to the office of the Housing Authority in accordance with the requirements presented in this procedure.

Elements of due process: An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

(1)Adequate notice to the Tenant of the grounds for terminating the tenancy and for eviction;

(2)Right of the Tenant to be represented by counsel;

(3)Opportunity for the Tenant to refute the evidence presented by the Housing Authority, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the Tenant may have;

(4) A decision on the merits of the case.

Hearing Officer: A person selected in accordance with (**24CFR 966.55)** and this procedure to hear grievances and render a decision with respect thereto.

Hearing Panel: A member panel selected in accordance with and this procedure to hear grievances and render a decision with respect thereto.

Tenant: The adult person (or persons other than a Live-in aide): (1) Who resides in the unit, and who executed the lease with the Housing Authority as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) The remaining head of the household of the Tenant family residing in the dwelling unit.

Resident Organization: An organization of residents, which also may include a resident management corporation.

II. Applicability of this grievance procedure (24CFR 966.51)

In accordance with the applicable Federal regulations this grievance procedure shall be applicable to all individual grievances (as defined in Section I above) between Tenant and the Housing Authority with the following two exceptions:

A. Because HUD has issued a due process determination that the law of the State requires Tenant be given the opportunity for a hearing in court which provides the basic elements of due process (as defined above) before eviction from the dwelling unit, the grievance procedure shall not be applicable to any termination of tenancy or eviction that involves: **(24 CFR 966.51)**

(1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority, or

(2) Any violent or drug-related criminal activity on or off such premises; or

(3) Any criminal activity that resulted in a felony conviction of a household member.

B. The Housing Authority grievance procedure shall not be applicable to disputes between Tenants not involving the Housing Authority or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a tenant, group or groups of tenants and the Housing Authority Board of Commissioners.

This grievance procedure shall be incorporated by reference in all Tenant dwelling leases and will be furnished to each Tenant and all resident organizations. Any changes proposed in this grievance procedure will provide for at least 30 days' notice to Tenants and Resident Organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments submitted shall be considered by the Housing Authority before any revisions are made to the grievance procedure. **(24CFR 966.52)**

III. Informal settlement of a grievance (24CFR 966.54)

Any grievance must be personally presented, either orally or in writing, to the office of the Housing Authority, 401 Lafayette St. Williamsburg VA, **within ten days after the grievable event.**

As soon as the grievance is received, it will be reviewed by appropriate staff and the Housing Authority hearing officer, to be certain that neither of the exclusions in paragraphs II.A or II.B above applies to the grievance.

Should any of the exclusions apply; the complainant will be notified in writing that the matter raised is not subject to the grievance procedure, with the reason therefore.

If none of the exclusions cited above apply, the complainant will be contacted to arrange a mutually convenient time **within ten working days** to meet so the grievance may be discussed informally and settled without a formal grievance hearing. At the informal hearing the complainant will present the grievance in an attempt to settle, to the satisfaction of both parties, without the need of a formal hearing.

Within five working days following the informal discussion, the Housing Authority shall prepare and either hand deliver or mail to Tenant a summary of the discussion that must specify the names of the participants, the dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore. It shall also specify the procedures by which a formal hearing under may be obtained if the complainant is not yet satisfied. A copy of this summary shall also be placed in the tenant's file. A receipt signed by the complainant or a return receipt for delivery of certified mail, whether or not signed, will be sufficient proof of time of delivery for the summary of the informal discussion.

IV. Formal Grievance Hearing

If the complainant is dissatisfied with the settlement arrived at in the informal hearing, the complainant must submit a written request for a formal grievance hearing to the office of the Housing Authority listed above, **no later than five working days after the summary of the informal hearing is received.**

The written request shall specify:

The reasons for the formal grievance hearing;

The action of relief sought from the Housing Authority; and

Dates and times **in the following ten working days** when the complainant can attend a hearing.

If the complainant requests a hearing in a timely manner, the Housing Authority shall schedule a hearing at the earliest time possible for the complainant, the Housing Authority and the hearing officer

or hearing panel, **but in no case later than ten working days** after the complainant's request.

If the complainant fails to request a hearing within five working days after receiving the summary of the informal hearing, the decision rendered at the informal hearing becomes final and the Housing Authority is not obligated to offer the complainant a formal hearing unless the complainant can show good cause why they failed to proceed in accordance with this procedure. **[966.55 (c) and (d)]**

Failure to request a grievance hearing does not affect the complainant's right to contest the Housing Authority's decision in a court hearing.

V. Selecting the Hearing Officer or Hearing Panel (24CFR 966.55)

WRHA grievance hearings will involve 3 levels of appeal for all grievable matters. Level 1 will involve an Informal Hearing to be conducted by a Hearing Officer appointed by the Executive Director. The Hearing Officer must not be a subordinate to the staff member whom the grievance is against and should have the appropriate certification and training. The Executive Director may also conduct the Informal Hearing at his/her discretion or in the absence of a Hearing Officer. Level 2 will involve a Grievance Panel consisting of no less than 3 members of the Housing Authority's Advisory Committee, who will be appointed by the Chair of the Advisory Committee. Level 3 will involve the unresolved matter to be presented to the Board of Commissioners. (See attached chart) The Housing Authority shall determine that any and all persons appointed are fully capable of impartiality and meet all HUD and Housing Authority policies to provide such service. Any persons acting as a hearing officer or panel member will be expected to disqualify themselves from hearing grievances that involve personal friends, residents of developments in which they reside, or grievances in which they have some personal interest. The names of the Executive Director, proposed hearing officer, and all panel members shall be submitted to the Resident Organizations. Written comments from the organizations shall be reviewed and considered by the Housing Authority on the appointments.

When comments from Resident Organizations have been received and considered, the appointment(s) shall become the Housing Authority's official grievance hearing officer / panel.

VI. Escrow deposit required for a hearing involving rent

Before a hearing is scheduled in any grievance involving the amount of rent which the Housing Authority claims is due under the lease, the complainant shall pay to the Housing Authority an amount equal to the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall, thereafter, deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer or hearing panel.

This requirement will not be waived by the Housing Authority unless the complainant is paying minimum rent and the grievance is based on a request for a hardship exemption or the tenant's welfare benefits have been reduced for welfare fraud or failure to comply with economic self-sufficiency requirements. **In these cases only**, rent need not be escrowed.

VII. Scheduling hearings

When a complainant submits a timely request for a grievance hearing, the Housing Authority will immediately contact the hearing officer or panel to schedule the hearing within the following ten working days on one of the dates and times indicated by the complainant.

Once the hearing officer or panel has agreed upon the hearing date and time, the complainant shall be notified. Notice to the complainant shall be in writing, either personally delivered to complainant or sent by mail, return receipt requested.

The written notice will specify the time, place and procedures governing the hearing.

VIII. Procedures governing the hearing (24CFR 966.56)

The hearing shall be held before the hearing officer or panel as described above in Section VII. The complainant shall be afforded a fair hearing, which shall include:

A. The opportunity to examine before the hearing any Housing Authority documents, including records and regulations, that are directly relevant to the hearing.

The Tenant shall be allowed to copy any such document at the Tenant's expense of twenty five cents (.25) per page. If the Housing Authority does not make the document available for examination upon request by the complainant, it may not rely on such document at the grievance hearing.

B. The right to be represented by counsel or other person chosen as the Tenant's representative and to have such person(s) make statements on the Tenant's behalf.

C. The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the Tenant's complaint to controvert evidence relied on by the Housing Authority and to confront and cross examine all witnesses upon whose testimony or information the Housing Authority relies; and

D. A decision based solely and exclusively upon the facts presented at the hearing. [966-56 (b)]

The hearing officer or panel may render a decision without proceeding with the hearing if they determine that the issue has been previously decided in another proceeding. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and, thereafter, the Housing Authority must sustain the burden of justifying the action or failure to act against which the complaint is directed.

The hearing shall be conducted informally governed by the hearing officer or panel. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or panel shall require the Housing Authority, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion.

Failure to comply with the directions to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate. The complainant or the Housing Authority may arrange in advance, at expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

The Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Tenant is visually impaired, any notice to the Tenant which is required under this procedure must be in an accessible format.

If a hearing officer or panel member fails to disqualify himself/herself as required in Section V.A, the Housing Authority will remove the officer from the hearing, invalidate the results of the hearing and schedule a new hearing with a new hearing officer or panel.

IX. Failure to appear at the hearing

If the complainant or the Housing Authority fails to appear at the scheduled hearing, the hearing officer may make a determination to postpone the hearing, not **to exceed five business days,** or may make a determination that the party has waived its right to a hearing. **[966.56 (d)]**

Both the complainant and the Housing Authority shall be notified of the determination by the hearing officer. A determination that the complainant has waived his right to a hearing shall not constitute a waiver of any right the complainant may have to contest the disposition of the grievance in court. **[966.56 (d)]**

X. Decision of the hearing officer (24CFR 966.57)

The hearing officer or panel shall prepare a written decision, together with the reasons for the decision **within ten working days** after the hearing. A copy of the decision shall be sent to the complainant and the Housing Authority.

The Housing Authority shall retain a copy of the decision in the Tenant's folder. A copy of the decision with all names and identifying references deleted shall also be maintained on file by the Housing Authority and made available for inspection by a prospective complainant, his representative, or the officer. The decision of the hearing officer or panel shall be binding on the Housing Authority, which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Board of Commissioners determines within ten working days, and promptly notifies the complainant of its determination that:

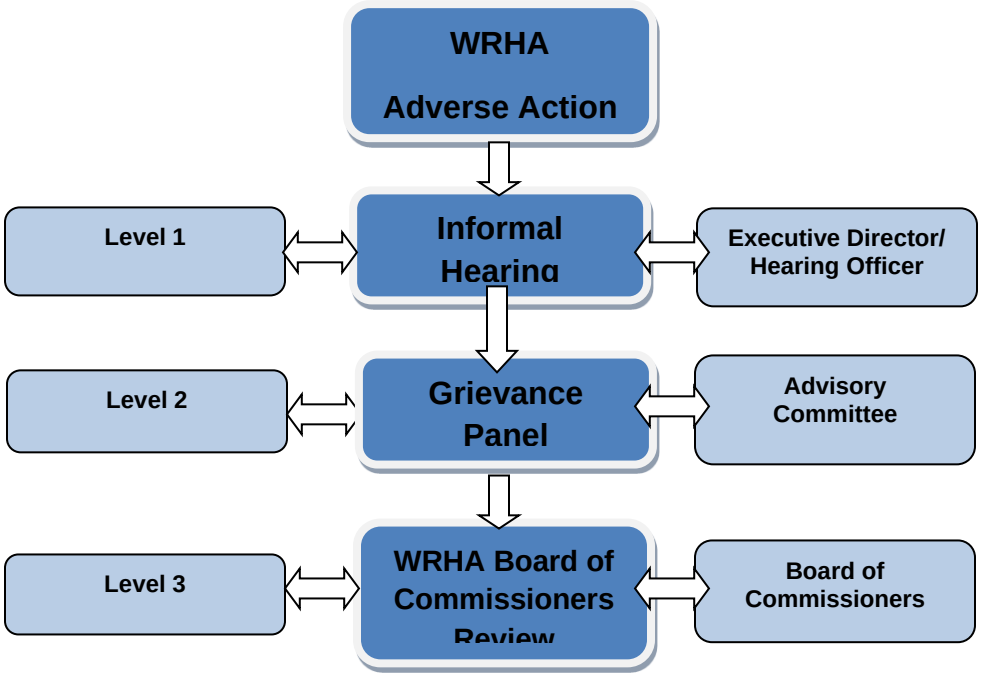
A. The grievance does not concern Housing Authority action or failure to act in accordance with or involving the complainant's lease or Housing Authority regulations, which adversely affect the complainant's rights, duties, welfare or status.

B. The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations, or requirements of the annual contributions contract between HUD and the Housing Authority.

A decision by the hearing officer, panel or Board of Commissioners in favor of the Housing Authority or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any way, the rights of the complainant to a trial or judicial review in any court proceedings which may be brought in the matter later.

Williamsburg Redevelopment and Housing Authority
Informal Hearing / Grievance Procedures

As a public housing tenant, you have the right to appeal many decisions or actions taken by the Housing Authority through its administrative Public Housing Grievance Procedure. Under Federal law, WRHA has adopted a written grievance procedure which was provided to you at the time of your acceptance of the lease between you and WRHA. The following outline shows the stages of the Hearing Procedures.



- **The hearing officer or panel must send a written decision to you in regard to their decision.**
- **The decision is binding unless the WRHA Board of Commissioners formally decides that the decision is against applicable Federal, State or local law, including HUD regulations or requirements of their contract with HUD.**
- **Regardless of the outcome of the hearing, you still have the right to pursue the matter in a court of law.**

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for the complete Grievance Procedures as set forth by WRHA.

CHAPTER 15
PROGRAM INTEGRITY

INTRODUCTION

The PHA is committed to ensuring that funds made available to the PHA are spent in accordance with HUD requirements. This chapter covers HUD and PHA policies designed to prevent, detect, investigate, and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part 1: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents PHA policies related to preventing, detecting, and investigating errors and program abuse.

Part 2: Corrective Measures and Penalties. This part describes the corrective measures the PHA must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

The PHA anticipates that the vast majority of families and PHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the PHA's program is administered effectively and according to the highest ethical and legal standards, the PHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

WRHA Policy

WRHA will provide each applicant and resident with the publication "Is Fraud Worth It?" (form HUD-1141-OIG), "Things You Should Know" (HUD-1140-Office of Inspector General [OIG]) that explains the types of actions a family must avoid and the penalties for program abuse. In addition, the PHA will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.

WRHA will routinely provide resident counseling as part of every re-examination interview in order to clarify any confusion pertaining to program rules and requirements.

WRHA will provide each employee with the necessary training on program rules and the organization's standards of conduct and ethics.

For purposes of this chapter the term error refers to an unintentional error or omission. Program abuse or fraud refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

15-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the PHA will use a variety of activities to detect errors and program abuse.

WRHA Policy

WRHA will employ a variety of methods to detect errors and program abuse including: The routine use of available sources of up-front income verification to compare with family provided information. At each annual re-examination, current information provided by the family will be compared to information provided at the last annual re-examination to identify inconsistencies and incomplete

information. WRHA will compare family reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

WRHA Policy
WRHA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the error detection and abuse prevention efforts. WRHA will encourage staff, residents, and the public to report possible program abuse.

15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

The PHA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals to determine if they warrant investigation. In order for the PHA to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member. The PHA will investigate inconsistent information related to the family that is identified through file reviews and the verification process.

Consent to Release of Information [24 CFR 960.259]
The PHA may investigate possible instances of error or abuse using all available PHA and public records. If necessary, the PHA will require applicant/resident families to give consent to the release of additional information.

WRHA Policy
WRHA will base its evaluation on a preponderance of the evidence collected during any investigation. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence. For each investigation WRHA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies
All errors and instances of program abuse must be corrected prospectively. Whether the PHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse

WRHA Policy
In the case of family caused errors or program abuse, the WRHA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

Notice of Appeals

WRHA Policy
The PHA will inform the relevant party in writing of its findings and remedies within ten (10) business days of the conclusion of the investigation. The notice will include:

A description of the error or program abuse,

The basis on which the PHA determined the error or program abuses,

The remedies to be employed, and

The family's right to appeal the results through an informal hearing or grievance hearing (see Chapter 14).

PART II: CORRECTIVE MEASURES AND PENALTIES

15-II.A. UNDER OR OVERPAYMENT

An under or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family. Whether the incorrect rental determination is an overpayment or underpayment, the PHA must promptly correct the tenant rent and any utility reimbursement prospectively. Increases in the tenant rent will be implemented only after the family has received thirty (30) day notice. Any decreases in tenant rent will become effective the first of the month following the discovery of the error. Whether the family is required to reimburse the PHA or the PHA is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

15-II.B. FAMILY CAUSED ERRORS AND PROGRAM ABUSE

General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members. An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the PHA to use incorrect information provided by a third party.

WRHA Policy

In the case of family caused errors or program abuse, the WRHA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense. In the case of family caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. WRHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, WRHA will terminate the family's lease in accordance with the policies in Chapter 13.

The PHA will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family but will apply any over payment(s) to future rents.

Prohibited Actions

An applicant or resident in the public housing program must not knowingly:

- Make a false statement to the PHA [Title 18 U.S.C. Section 1001].
- Provide incomplete or false information to the PHA [24 CFR 960.259(a)(4)].
- Commit fraud, or make false statements in connection with an application for assistance or with re-examination of income [24 CFR 966.4(l)(2)(iii)(C)].

WRHA Policy

WRHA will consider any of the following evidence of family program abuse:

The offering of bribes or illegal gratuities to the WRHA Board of Commissioners, employees, contractors, or other WRHA representatives.

Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to WRHA on the family's behalf

Use of a false name or the use of falsified, forged, or altered documents

Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)

Omitted facts that were obviously known by a family member (e.g., not reporting employment income)

WRHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse
In the case of program abuse caused by a family, the PHA may, at its discretion, impose any of the following remedies.

The PHA may require the family to repay any amounts owed to the program (see 15-II.B., Family Reimbursement to PHA).

The PHA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 13 (for residents).

The PHA may deny admission or terminate the family's lease following the policies set forth in Chapter 3 and Chapter 13 respectively.

The PHA may refer the family for state or federal criminal prosecution as described in section 15-II.D.

15-II.C. PHA CAUSED ERRORS OR PROGRAM ABUSE

The responsibilities and expectations of PHA staff with respect to normal program administration are discussed throughout the ACOP. This section specifically addresses actions of a PHA staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in the PHA personnel policy. PHA caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation. The family is not required to repay an underpayment of rent if the error or program abuse is caused by PHA staff.

PHA Reimbursement to Family

<u>WRHA Policy</u>
WRHA will reimburse a family for any family overpayment of rent, from the result of staff caused error or staff program abuse.

Prohibited Activities

Any of the following will be considered evidence of program abuse:

- Failing to comply with any public housing program requirements for personal gain
- Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident
- Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the PHA

- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of PHA activities, policies, or practices
- Misappropriating or misusing public housing funds
- Destroying, concealing, removing, or inappropriately using any records related to the public housing program
- Committing any other corrupt or criminal act in connection with any federal housing program

15-II.D. CRIMINAL PROSECUTION

WRHA Policy
When WRHA determines program abuse by a family or staff member has occurred and the abuse meets or exceeds the threshold for prosecution under local or state law, WRHA will refer the matter to the appropriate entity for prosecution. When the abuse meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG). Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES

The PHA, upon entering into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against the family, will retain 100 percent of program funds that the PHA recovers [Notice PIH 2005-7(HA)]. All amounts that constitute an underpayment of rent must be returned to HUD.

Chapter 16
PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of PHA-furnished utilities.

Part II: Establishing Flat Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which the PHA will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS): This part describes the PHAS indicators, how PHAs are scored under PHAS, and how those scores affect a PHA.

Part V: Record-Keeping: All aspects of the program involve certain types of recordkeeping. This part outlines the privacy rights of applicants and participants and record retention policies the PHA will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level: This part describes the PHA's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VII: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault and stalking; and maintaining the confidentiality of information obtained from victims.

PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-I.A. OVERVIEW

PHAs must establish allowances for PHA-furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)]. PHAs must also establish surcharges for excess consumption of PHA-furnished utilities [24 CFR965.506]. The PHA must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

16-I.B. UTILITY ALLOWANCES

The PHA must establish separate allowances for each utility and for each category of dwelling units the PHA determines to be reasonably comparable as to factors affecting utility usage [24CFR965.503].

The objective of a PHA in establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if the PHA does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].
Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH OccGB, p. 138]. Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and sitting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit.

Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ GB, p. 138]. Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to the PHA about establishing utility allowances.

Air-Conditioning
"If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible." [24CFR 965.505(e)]

WRHA Policy
WRHA has not installed a check metering system and the surcharge is based on a reasonable amount for consumption of using an air-conditioning unit.

Utility Allowance Revisions [24 CFR 965.507]
The PHA must review at least annually the basis on which utility allowances have been established and must revise the allowances if necessary in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505. The PHA may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

WRHA Policy
Between annual reviews of utility allowances, the PHA will only revise its utility allowances due to a rate change, when required to by the regulation.

16-I.C. SURCHARGES FOR PHA-FURNISHED UTILITIES [24 CFR 965.506]
For dwelling units subject to allowances for PHA-furnished utilities where check meters have been installed, the PHA must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on the PHA's average utility rate. The basis for calculating the surcharges must be described in the PHA's schedule of allowances. Changes in the amount of surcharges based directly on changes in the PHA's average utility rate are not subject to the advance notice requirements discussed under 16-I.D. For dwelling units served by PHA-furnished utilities where check meters have not been installed, the PHA must establish schedules of surcharges indicating

additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of PHA-furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of PHA-furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to the PHA of the utility consumption estimated to be attributable to reasonable usage of such equipment.

WRHA Policy

WRHA shall establish a schedule of charges residents will be required to pay on WRHA furnished utility units.

16-I.D. NOTICE REQUIREMENTS [965.502]

The PHA must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions
- Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges
- Notify residents of the place where the PHA's documentation on which allowances and surcharges are based is available for inspection
- provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions

16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]

On request from a family that includes a disabled or elderly person, the PHA must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family [PH Occ GB, p. 172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172]. See Chapter 2 for policies regarding the request and approval of reasonable accommodations.

PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS

16-II.A. OVERVIEW

Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient. Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship

or eligible immigrations status [24 CFR 5.504]. This part discusses how the PHA establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

16-II.B. FLAT RENTS [24 CFR 960.253(b)]

Establishing Flat Rents

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which the PHA could promptly lease the public housing unit after preparation for occupancy. The PHA must use a reasonable method to determine flat rents. In determining flat rents, PHAs must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by the PHA
- Utilities provided by the PHA

PHAs must receive written HUD approval before implementing exception flat rents. PHAs that use exception flat rents must conduct a new market analysis, and obtain HUD approval, annually.

PHAs are now required to apply a utility allowance to flat rents. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unit's utility allowance, if any.

Review of Flat Rents

No later than 90 days after HUD publishes new annual FMRs/SAFMRs/unadjusted rent, PHAs must revise flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent. The PHA must offer changes to the flat rent to all new admissions and to existing families at the next annual rent option.

If the FMR falls from year to year, the PHA may, but is not required to, lower the flat rent to 80 percent of the current FMR/SAFMR/unadjusted rent.

PHA Policy

If the FMR/SAFMR/unadjusted rent is lower than the previous year, the PHA will reduce flat rents to 80 percent of the current FMR/SAFMR. The PHA must ensure that flat rents continue to mirror market rent values [24 CFR 960.253(b)].

Posting of Flat Rents

PHA Policy

The PHA will publicly post the schedule of flat rents in a conspicuous manner in the applicable PHA or project office.

Documentation of Flat Rents [24 CFR 960.253(b)(5)]

The PHA must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by the PHA in accordance with this method.

WRHA Policy
WRHA will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents continue to mirror market rent values and will provide the schedule of flat rents upon request.

16-II.C. PUBLIC HOUSING MAXIMUM RENTS

Establishing Public Housing Maximum Rents
PHAs are prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24CFR 5.500]. Therefore, in order to assist mixed families, PHAs must prorate assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family. The public housing maximum rent is based on value of the 95th percentile of the total tenant payment (TTP) for each tenant within the PHA. PHAs may calculate a maximum rent on either a PHA- or project wide basis. A separate maximum rent can be provided for each separate project or projects may be combined into logical groups, if appropriate. HUD recommends that a single project basis be avoided for a project unless at least 50 dwelling units are involved. PHAs may use the "direct comparison" or the "unit distribution" method for establishing the public housing maximum rents for each unit size. Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above.

WRHA Policy
Review of Public Housing Maximum Rents
WRHA will recalculate the public housing maximum rents on an annual basis.
Posting of Public Housing Maximum Rents
WRHA will provide the schedule of public housing maximum rents upon request.

Documentation of Public Housing Maximum Rents
WRHA will maintain records that document how the PHA determined the 95th percentile of TTP, whether the maximum rent was determined PHA-wide, project-wide, or with groupings of projects, and the methodology used to determine maximum rents for each unit size.

PART III: FAMILY DEBTS TO THE PHA

16-III.A. OVERVIEW
This part describes the PHA's policies for recovery of monies owed to the PHA by families.

WRHA Policy
When an action or inaction of a resident family results in the underpayment of rent or other amounts, the WRHA holds the family liable to pay any differences owed. WRHA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover such amounts owed by the family. When a family refuses to repay monies owed, WRHA will utilize other available collection alternatives including, but not limited to, the following:

Collection agencies
Small claims court
Civil law suit

State income tax set-off program

16-III.B. REPAYMENT POLICY
Family Debts to the PHA

WRHA Policy
Any amount owed to WRHA by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, WRHA will offer to enter into a repayment agreement in accordance with the policies below. If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, WRHA will terminate the family's tenancy in accordance with the policies in Chapter 13. The PHA will also pursue other modes of collection as stated above.

General Repayment Agreement Guidelines
Down Payment Requirement

WRHA Policy
Families will not be required to make a down payment on the amount owed prior to entering into a repayment agreement with WRHA.

Payment Thresholds
Notice PIH 2010-19 recommends that the total amount that a family must pay each month—the family's monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family's monthly adjusted income, which is considered "affordable." Moreover, Notice PIH 2010-19 acknowledges that PHAs have the discretion to establish "thresholds and policies" for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

WRHA Policy
The monthly amount of the payback agreement will be based on the family's income at the time the payback agreement is entered into. The monthly amount will be equal to 10% of the monthly income. If the family's income increases or decreases during the term of a repayment agreement, either WRHA or the family may request that the monthly payment amount be adjusted accordingly.

Execution of the Agreement
Any repayment agreement between WRHA and a family must be signed and dated by WRHA and by the head of household and spouse/co-head (if applicable)

Due Dates
All payments are due on the first and late after 4:30 p.m. on the 5th business day of the month.

Late or Missed Payments
If a payment is not received 4:30 p.m. on the 5th business day and prior approval for the missed payment has not been given by WRHA, a demand for the entire balance of the repayment agreement giving the family 14 days to make the payment will be sent to the family. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and WRHA will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three warrant notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and WRHA will terminate tenancy in accordance with the policies in Chapter 13.

No Offer of Repayment Agreement
WRHA will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the amount owed by the family exceeds the Federal or State threshold for criminal prosecution. WRHA will not enter into more than two repayment agreements in one 12-month period.

Repayment Agreements Involving Improper Payments

Notice PIH 2010-19 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the public housing lease that state the family's obligation to provide true and complete information at every reexamination and the grounds on which the PHA may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to the PHA the monthly payment amount specified in the agreement but must also pay to the PHA the monthly tenant rent
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of tenancy

PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)

16-IV.A. OVERVIEW
The purpose of the Public Housing Assessment System (PHAS) is to improve the delivery of services in public housing and enhance trust in the public housing system among PHAs, public housing residents, HUD and the general public by providing a management tool for effectively and fairly measuring the performance of a public housing agency in essential housing operations.

16-IV.B. PHAS INDICATORS [24 CFR 902 Subparts A, B, C, D, and E]
The table below lists each of the PHAS indicators, the points possible under each indicator, and a brief description of each indicator. A PHA's performance is based on a combination of all four indicators.

Indicator 1: Physical condition of the PHA's projects

Maximum Score: 40

- The objective of this indicator is to determine the level to which a PHA is maintaining its public housing in accordance with the standard of decent, safe, sanitary, and in good repair.
- To determine the physical condition of a PHA's projects, inspections are performed of the following five major areas of each public housing project: site, building exterior, building

systems, dwelling units, and common areas. The inspections are performed by an independent inspector arranged by HUD, and include a statistically valid sample of the units in each project in the PHA's public housing portfolio.
Indicator 2: Financial condition of the PHA's projects **Maximum Score: 25** • The objective of this indicator is to measure the financial condition of the PHA's public housing projects for the purpose of evaluating whether the PHA has sufficient financial resources and is capable of managing those financial resources effectively to support the provision of housing that is decent, safe, sanitary, and in good repair. • A PHA's financial condition is determined by measuring each public housing project's performance in each of the following subindicators: quick ratio, months expendable net assets ratio, and debt service coverage ratio.

Indicator 3: Management operations of the PHA's projects **Maximum Score: 25** • The objective of this indicator is to measure certain key management operations and responsibilities of a PHA's projects for the purpose of assessing the PHA's management operations capabilities. • Each project's management operations are assessed based on the following sub-indicators: occupancy, tenant accounts receivable, and accounts payable. • An on-site management review may be conducted as a diagnostic and feedback tool for problem performance areas, and for compliance. Management reviews are not scored.
Indicator 4: Capital Fund **Maximum Score: 10** • The objective of this indicator is to measure how long it takes the PHA to obligate capital funds and to occupy units. • The PHA's score for this indicator is measured at the PHA level and is based on the following subindicators: timeliness of fund obligation and occupancy rate.

16-IV.C. PHAS SCORING [24 CFR 902 Subpart F]

HUD's Real Estate Assessment Center (REAC) issues overall PHAS scores, which are based on the scores of the four PHAS indicators, and the subindicators under each indicator. The PHA's indicator scores are based on a weighted average of the PHA's public housing projects' scores. PHAS scores translate into a designation for each PHA as high performing, standard, substandard, or troubled.

A high performer is a PHA that achieves an overall PHAS score of 90 or greater, and achieves a score of at least 60 percent of the points available under the physical, financial, and management indicators and at least 50 percent of the points available under the capital fund indicator.

A standard performer is a PHA that has an overall PHAS score between 60 and 89, and achieves a score of at least 60 percent of the points available under the physical, financial, and management indicators and at least 50 percent of the points available under the capital fund indicator.

A substandard performer is a PHA that has an overall PHAS score of at least 60 percent and achieves a score of less than 60 percent under one or more of the physical, financial, or management indicators.

A troubled performer is a PHA that achieves an overall PHAS score of less than 60, or achieves less than 50 percent of the total points available under the capital fund indicator.

These designations can affect a PHA in several ways:

- High-performing PHAs are eligible for incentives including relief from specific HUD requirements and bonus points in funding competitions [24 CFR 902.71].
- PHAs that are standard performers may be required to submit and operate under a corrective action plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)(1)].
- PHAs that are substandard performers will be required to submit and operate under a corrective action plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)(2)].
- PHAs with an overall rating of "troubled" are subject to additional HUD oversight, and are required to enter into a memorandum of agreement (MOA) with HUD to improve PHA performance [24 CFR 902.75].
- PHAs that fail to execute or meet MOA requirements may be referred to the Assistant Secretary to determine remedial actions, including, but not limited to, remedies available for substantial default [24 CFR 902.75(g) and 24 CFR Part 907].

PHAs must post a notice of its final PHAS score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and designation [24 CFR 902.64(b)(2)].

PART V: RECORD KEEPING

16-V.A. OVERVIEW

The PHA must maintain complete and accurate accounts and other records for the program, properties, equipment and buildings in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request. In addition, the PHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

<u>WRHA POLICY</u>

WRHA defines a Fixed Asset as a unit of property that (1) has an economic useful life that extends beyond 12 months; and (2) was acquired or produced for a cost of $5,000.00 or more. Fixed assets must be capitalized and depreciated for financial statement purposes.

16-V.B. RECORD RETENTION

The PHA must keep the last four years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least four years from the end of participation (EOP) date [24 CFR 908.101].

WRHA Policy

During the term of each public housing tenancy, and for at least four years thereafter, WRHA will keep all documents related to a family's eligibility, tenancy, and termination. In addition, WRHA will keep the following records for at least four years: An application from each ineligible family and notice that the applicant is not eligible. Documentation supporting the establishment of flat rents and the public housing maximum rent documentation supporting the establishment of utility allowances and surcharges. Documentation related to PHAS Accounts and other records supporting WRHA budget and financial statements for the program. Other records as determined by WRHA or as required by HUD. If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

16-V.C. RECORDS MANAGEMENT

PHAs must maintain applicant and participant resident files and information in accordance with regulatory requirements.

WRHA Policy

All applicant and participant resident information will be kept in a secure location and access will be limited to authorized WRHA staff. WRHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law. Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the PHA may release the information collected.

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) System are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

WRHA Policy

Prior to utilizing HUD's EIV system, WRHA will adopt and implement EIV security procedures required by HUD.

Criminal Records

The PHA may only disclose the criminal conviction records which the PHA receives from a law enforcement agency to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The PHA must establish and implement a system of records management that ensures that any sex offender registration information received by the PHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records
PHAs are not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the tenant file. The PHA should destroy the document.

Domestic Violence, Dating Violence, or Stalking Records
For requirements and PHA policies related to management of documentation obtained from victims of domestic violence, dating violence, or stalking, see section 16-VII.E.

PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]
The PHA has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing. The PHA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. The PHA must also report each known case of a child with an environmental intervention blood lead level to the HUD field office.

WRHA Policy
WRHA will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level. WRHA will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office within 5 business days of receiving the information.

PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION,

DOCUMENTATION AND CONFIDENTIALITY

16-VII.A. OVERVIEW

The Violence against Women Act of 2005 (VAWA) provides special protections for victims of domestic violence, dating violence, and stalking who are applying for or receiving assistance under the public housing program. If state or local laws provide greater protection for such victims, those laws take precedence over VAWA. In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located in Chapter 3, "Eligibility" (sections 3-I.C and 3-III.F); Chapter 5, "Occupancy Standards and Unit Offers" (section 5-II.D); Chapter 8, "Leasing and Inspections" (section 8-I.B); Chapter 12, "Transfer Policy" (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, "Lease Terminations" (sections 13-III.F and 13-IV.D).

16-VII.B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term *immediate family member* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

The term *stalking* means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
- To place under surveillance with the intent to kill, injure, harass, or intimidate another person; And

In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

16-VII.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

WRHA Policy
WRHA will post the following information regarding VAWA in its offices. It will also make the information readily available to anyone who requests it.

- A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking
- The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA
- An explanation of the documentation that WRHA may require from an individual who claims the protections provided by VAWA
- A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, sexual assault or Stalking
- A statement of WRHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)
- Contact information for local victim advocacy groups or service providers

Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]
PHAs are required to inform public housing tenants of their rights under VAWA, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants.

WRHA Policy
WRHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. WRHA will also include such information in all notices of denial of assistance (see section 3-III.F). WRHA will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. WRHA will also include such information in all lease termination notices (see section 13-IV.D). The VAWA information provided to applicants and tenants will consist of a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

WRHA Policy
Whenever WRHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

16-VII.D. DOCUMENTATION [24 CFR 5.2007]
A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, stalking, or criminal activity related to any of these forms of abuse may—

but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)] The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

(1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator

(2) A federal, state, tribal, territorial, or local police report or court record

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation. The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under

"Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

WRHA Policy

Any request for documentation of domestic violence, dating violence, or stalking will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. WRHA may, in its discretion, extend the deadline for 10 business days. Any extension granted by WRHA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which the true victim is by requiring each to provide acceptable third-party documentation, as described above (forms 2and3). The PHA must honor any court orders issues to protect the victim or to address the distribution of property.

WRHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, WRHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

The PHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

WRHA Policy

Upon acceptance an individual's statement or other corroborating evidence of domestic violence, dating violence, or stalking, WRHA will document acceptance of the statement or evidence in the individual's file.

Failure to Provide Documentation [24 CFR 5.2007(c)]
In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

16-VII.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]
All information provided to the PHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly

authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

WRHA Policy
If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, WRHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

- **EXHIBIT 16-I: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380**

- **Notice of Occupancy Rights under the Violence Against Women Act**[1]

- **To all Tenants and Applicants**
- The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.[2] The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **WRHA** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."
- **Protections for Applicants**
- If you otherwise qualify for assistance under **Public Housing,** you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.
- **Protections for Tenants**
- If you are receiving assistance under **[insert name of program or rental assistance],** you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.
- Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **[insert name of program or rental assistance]** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.
- Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **[insert name of program or**

[1] Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

[2] Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

rental assistance] solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

- Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.
- **Removing the Abuser or Perpetrator from the Household**
- HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.
- If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.
- In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

- Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:
- **1. You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- **2. You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

- **3. You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

- **OR**
- **You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.
- HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.
- HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.
- **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**
- HP can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.
- You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.
- • A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence,

dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.

- • A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- • A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- • Any other statement or evidence that HP has agreed to accept.
- If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.
- If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.
- **Confidentiality**
- HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.
- HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

- HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:
- • You give written permission to HP to release the information on a time limited basis.
- • HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- • A law requires HP or your landlord to release the information.
- VAWA does not limit HP's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.
- **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**
- You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.
- The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:
- 1. Would occur within an immediate time frame, and
- 2. Could result in death or serious bodily harm to other tenants or those who work on the property.
- If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.
- **Other Laws**
- VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.
- **Non-Compliance with The Requirements of This Notice**

- You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.
- **For Additional Information**
- You may view a copy of HUD's final VAWA rule at: https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf.
- Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.
- For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA].**
- For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.
- For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.
- For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**
- Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.
- **Attachment:** Certification form HUD-5382 **[form approved for this program to be included]**

EXHIBIT 16-II: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION	**U.S. Department of Housing and Urban Development**	OMB Approval No. 2577-0286 Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or

terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.

(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. **Date the written request is received by victim: _____**

2. **Name of victim: _____**

3. **Your name (if different from victims):_____**

4. **Name(s) of other family member(s) listed on the lease:_____**

_____

5. **Residence of victim: _____**

6. **Name of the accused perpetrator (if known and can be safely disclosed):_____**

_____

7. **Relationship of the accused perpetrator to the victim:_____**

8. **Date(s) and times(s) of incident(s) (if known):_____**

_____

10. **Location of incident(s):_____**

In your own words, briefly describe the incident(s):

_____

_____

_____

violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the

applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Chapter 17
ADDITIONAL POLICIES

SMOKE-FREE POLICY

Purpose:

To mitigate the irritation and known health hazards of second hand smoke; the increased risk of fire from smoking; the increased maintenance, cleaning, and redecorating costs from smoking; and the high costs of fire insurance for properties where smoking is permitted. Smoking is prohibited in properties designated as smoke-free by Williamsburg Redevelopment and Housing Authority (WRHA).

Definition of Smoking:

The term "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when apparent or usual purpose of the combustion, electrical

ignition or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" but is not limited to, tobacco smoke, electronic cigarette vapors, marijuana smoke, and crack cocaine smoke.
The term "Smoking" means engaging in an act that generates Smoke, such as for example: possessing a lighted pipe, a lighted hookah pipe, an operating electronic cigarette, a lighted cigar, or a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.

Scope:
This policy applies to all properties owned by WRHA, tenants and all persons entering WRHA properties. This policy shall include guests and visitors, WRHA contractors, and WRHA employees.

Policy:
Smoking is prohibited in individual units and common areas of all properties.

Individual units are defined as the interior and exterior spaces tied to that particular residence. This includes, but is not limited to, living rooms, bedrooms, hallways, kitchens, bathrooms, patios, balconies, and entryways.

Common Areas are defined as areas within the building interior that are open to the public, including but not limited to entryways, community patios, balconies, terraces, lobbies, hallways, elevators, management offices, public restrooms, community rooms, community kitchens, stairwells, parking lots and any other area of the building that is accessible to residents, guests, contractors and employees. Smoking shall be permitted only in designated areas outside the building(s). Designated smoking areas will be a minimum of 30 feet from any building entrances. Residents, guests and visitors who smoke are required to smoke only in designated smoking areas and dispose of their smoking materials in an appropriate manner. WRHA management will be responsible for enforcement of this smoke-free policy. Failure to comply with the terms and conditions of the smoke free policy is a material violation of the lease and subjects the resident to possible legal sanctions, up to and including termination of the lease and possible financial costs to remove evidence of smoking from units.

IMPLEMENTATION AND ENFORCEMENT
This policy will be implemented through revisions of the lease agreement and addendums of same and through inclusion of a provision in all contracts for services or supplies. Ninety days in advance of the effective date, WRHA will provide written notification of this policy to current residents, employees, contractors and sub-contractors. WRHA will post "No Smoking" signs at entrances and exits, common areas, hallways, etc., and enforce compliance with this policy. The smoke-free housing rules and regulations will be monitored and enforced with the same methods as any other WRHA housing rules and regulations.

1) 30 DAYS FOLLOWING IMPLEMENTATION: With the smoke-free housing policy, the WRHA staff will work with any resident who is out of compliance to resolve barriers to compliance. Information and referral to support services and resources will be provided to any resident who shows an interest in reducing or quitting smoking. During the first 30 days, a graduated approach will be taken to motivate and support positive change for the new policy.

2) 30-60 DAYS FOLLWING IMPLEMENTATION: A direct approach will be taken to address non-compliant residents. WRHA staff will emphasize the importance of compliance and the consequences of non-compliance. A plan will be developed to bring the resident into compliance. Resources from local agencies will be provided to the residents and information about other products and services will be provided by WRHA in conjunction with the Tobacco Education Program to help those residents who are interested in quitting smoking.

3) 60-90 DAYS FOLLOWING IMPLEMENTATION: Non-compliant residents will be issued written warning of impending consequences for failure to comply, up to and including the financial obligation to remove evidence of smoking and lease termination.

4) 90 DAYS FOLLOWING IMPLEMENTATION: Any non-compliant residents will be subject to lease termination.

WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY
MAINTENANCE POLICY
JANUARY 2014

The Maintenance Department of the Williamsburg Redevelopment and Housing Authority is responsible for managing the maintenance function in the most cost effective manner possible while maximizing the useful life of Authority properties and providing the best service to Authority residents. The following policy statements are designed to establish the structure of an effective and efficient maintenance system

1.0 COMPONENTS OF A MAINTENANCE SYSTEM

The Williamsburg Redevelopment and Housing Authority maintenance system shall include certain components:

A. A system of priorities for work requests;

B. Comprehensive working procedures;

C. Performance goals;

D. A work order system;

E. A skills training program; and

F. A long-range planning system.

By developing a maintenance system that has these components in place, the Authority will have the tools it needs to control the performance of maintenance work at the Williamsburg Redevelopment and Housing Authority.

1.1 PRIORITY SYSTEM

The work priorities adopted shall exemplify its philosophy of delivering maintenance services. This priority system ensures that the most important maintenance work is done at a time it can be performed most cost-effectively. Minimizing vacancy loss is part of the cost-effectiveness calculation. The maintenance priorities shall be:

A. Emergencies

B. Vacancy Preparation

C. Scheduled Operations and Services

D. Resident On-Demand Requests

Placing planned maintenance and vacancy preparation work ahead of resident work requests does not indicate that resident requests are unimportant. It emphasizes the importance of maintaining control of the maintenance work by performing scheduled routine and preventive maintenance practices. By doing so, the Authority will decrease on-demand work and maintain the property in a manner that will keep and attract responsible tenants.

1.2 DEVELOP PROCEDURES

WRHA management along with the maintenance staff will ensure that there are sufficient clear procedures in place to allow the implementation of this policy. All procedures will include the following:

A. A statement of purpose;

B. The job title(s) of the staff member(s) responsible for carrying out the activities in the procedure;

C. Any forms needed to carry out the activities; and

D. The frequency of any specified activities.

After their adoption, maintenance procedures will be reviewed and updated at least annually.

1.3 DEVELOP PERFORMANCE STANDARDS AND GOALS

The Maintenance staff will establish measures that will allow the effectiveness of maintenance systems and activities to be evaluated. In establishing these standards the Housing Authority will take into consideration certain factors:

A. Local housing codes;

B. HUD Housing Quality Standards;

C. Public Housing Assessment System (PHAS) standards;

Nothing in the documents listed above will prevent the Housing Authority from setting a standard that is higher than that contained in the documents.

These standards and goals will be used to evaluate current operations and performance and to develop strategies to improve performance and meet the standards that have been set.

1.4 WORK ORDER SYSTEM

The Williamsburg Redevelopment and Housing Authority shall have a comprehensive work order system that includes all work request information: source of work, description of work, priority, cost to complete, days to complete, and hours to perform. This information is required for the Authority to plan for the delivery of maintenance services as well as evaluate performance. To obtain the greatest effectiveness from the work order system, all work requests and activities performed by maintenance staff **must** be recorded on work orders.
Work orders will contain, at a minimum, the following information:

A. Preprinted number

B. Source of request (planned, inspection, resident, etc.)

C. Priority assigned

D. Location of work

E. Date and time received

F. Date and time assigned

G. Worker(s) assigned

H. Description of work requested

I. Description of work performed

J. Estimated and actual time to complete

K. Materials used to complete work

L. Resident charge

M. Resident signature or documented follow-up

1.5 TRAINING

In order to allow its staff members to perform to the best of their abilities, the Williamsburg Redevelopment and Housing Authority recognizes the importance of providing the staff with opportunities to refine technical skills, increase and expand craft skills, and learn new procedures.
WRHA staff will be responsible for developing a training curriculum for the maintenance staff and working with the Executive Director to identify the means of delivering the training.

1.6 LONG-RANGE PLANNING

The Williamsburg Redevelopment and Housing Authority will put in place a long-range maintenance plan in order to ensure the most cost-effective use of Authority resources and the maximum useful life of Authority properties.
WRHA staff will develop a property-specific long-range planning process that includes the following components:

A. A property maintenance standard;

B. An estimate of the work required to bring the property to the maintenance standard;

C. An estimate of the work required to keep the property at the maintenance standard including routine and preventive maintenance workloads, vacant unit turn-around, inspection requirements and resident on-demand work;

D. An estimate of the on-going cost of operating the property at the maintenance standard;

E. A market analysis of the property to determine if there are any capital improvements needed to make the property more competitive;

F. A cost estimate to provide the specified capital improvements; and

G. A revised work plan and cost estimate of maintaining property at the improved standard.

By developing a work plan, the Authority will be able to anticipate its staff, equipment and materials needs. It will also be possible to determine need for contracting particular services. This plan will be reviewed annually and updated as needed.

2.0 MAINTAINING THE PROPERTY

All maintenance work performed at Housing Authority properties can be categorized by the source of the work. Each piece of work originates from a particular source -- an emergency, the routine maintenance schedule, the preventive maintenance schedule, a unit inspection, a unit turnover, or a resident request.

2.1 RESPONDING TO EMERGENCIES

Emergencies are the highest priority source of work. The Williamsburg Redevelopment and Housing Authority will consider a work item to be an emergency if the following occur:

A. The situation constitutes a serious threat to the life, safety or health of residents or staff; or
B. The situation will cause serious damage to the property structure or systems if not repaired within twenty-four (24) hours.

If a staff member is unsure whether or not a situation is an emergency, he or she will consult with his or her supervisor. If a supervisor is not available, the employee will use his or her best judgment to make the decision.

For emergencies that occur after regular working hours, the Williamsburg Redevelopment and Housing Authority shall have a twenty-four (24) emergency response system in place. This response system includes the designation of a maintenance employee in charge for each day as well as a list of qualified pre-approved contractors, open purchase orders for obtaining required supplies or equipment, and access to Authority materials and supplies. The designated employee shall prepare a work order and report on any emergency within twenty-four hours after abatement of the emergency.

2.2 PREPARE VACANT UNITS FOR REOCCUPANCY

It is the policy of the Williamsburg Redevelopment and Housing Authority to reoccupy vacant units as soon as possible. This policy allows the Authority to maximize the income produced by its properties and operate attractive and safe properties.

WRHA staff shall be responsible for developing and implementing a system that ensures a passing grade under PHAS for unit turnaround time. In order to do so, a system will be in place that can perform the following tasks:

A. Forecast unit preparation needs based on prior years' experience;

B. Estimate both the number of units to be prepared and the number of hours it will take to prepare them; and

C. Control work assignments to ensure prompt completion.

The maintenance procedure for reoccupying vacant units relies on the prompt notification by management of the vacancy, fast and accurate inspection of the unit, ready availability of workers and materials, and good communication with those responsible for leasing the unit.

WRHA staff shall have the ability to create special teams for vacancy turnaround or to hire contractors when required to maintain Authority goals.

2.3 PREVENTIVE MAINTENANCE PROGRAM

Preventive maintenance is part of the planned or scheduled maintenance program of the Williamsburg Redevelopment and Housing Authority. The purpose of the scheduled maintenance program is to allow the Authority to anticipate maintenance requirements and maintenance program focuses on the major systems that keep the properties operating. These systems include heating and air conditioning, electrical, life safety and plumbing.

A. General Operating Systems

The heart of any preventive maintenance program is a schedule that calls for the regular servicing of all systems. The development of this schedule begins with the identification of each system or item that must be checked and serviced, the date it must be serviced, and the individual responsible for the work. The servicing intervals and tasks for each system must be included in the schedule. The completion of all required tasks is considered a high priority for the Housing Authority.

The systems covered by the preventive maintenance program include but are not limited to:

1. Catch basins
2. Compactors
3. Condensate pumps
4. Electric transformer and emergency generators
5. Elevator equipment
6. Emergency lighting
7. Exhaust fans
8. Exterior lights
9. Fire extinguishers and other life safety systems
10. Heating plants
11. Mechanical equipment and vehicles
12. Sanitary drains
13. Air Conditioning equipment
14. Domestic water

A specific program will be developed for each system. This program shall include a list of the scheduled service maintenance for each system and the frequency and interval at which that service must be performed. The equipment and materials required to perform the service will be listed as well so that they will be on hand when needed.

As assessment of the skills or licensing needed to perform the tasks will also be made to determine if an outside contractor must be used to perform the work. The preventive maintenance schedule must be updated each time a system is added, updated, or replaced.

B. Roof Repairs/ Replacement

Maintenance of roofs requires regular inspections by knowledgeable personnel to ensure that there is good drainage, clear gutters and prompt discovery of any deficiencies.

WRHA staff shall be responsible for the development of a roof maintenance plan that includes these features:

1. The type, area, and age of roof

2. Warranties and/or guarantees in effect

3. Company that installed the roof

4. Expected useful life of roof

5. History of maintenance and repair

6. Inspection schedule

The authority maintenance staff will usually undertake only minor roof repairs. Therefore there should be a list of approved roofing contractors to take on more serious problems for roofs no longer under warranty.

C. Vehicle/Equipment Maintenance

The Williamsburg Redevelopment and Housing Authority shall protect the investment it has made in vehicles and other motorized equipment by putting in place a comprehensive maintenance program. The vehicles and equipment to be covered include:

1. Cars, trucks and vans
2. Tractors
3. Snow blowers
4. Leaf blowers
5. Weed cutters
6. Lawn Mowers
7. Chain saws
8. Pressure washers

WRHA staff shall be responsible for the development of this plan which shall contain components for minimal routine service as well as servicing for seasonal use. Serviceable components for each vehicle or piece of motorized equipment will be listed in the plan along with the type and frequency of service required.

WRHA staff shall also maintain a system to ensure that any employee that operates a vehicle or piece of motorized equipment has the required training, license and / or certification.

D. Life Safety Systems

The Williamsburg Redevelopment and Housing Authority shall have a comprehensive program for maintenance of life safety systems to ensure that they will be fully functional in the case of an emergency. WRHA staff shall be responsible for the development and implementation of a schedule that includes the inspection, servicing and testing of this equipment. The equipment to be included in the plan includes the following:

1. Fire alarms and fire alarm systems
2. Fire extinguishers
3. Fire hoses
4. Emergency generators
5. Emergency lighting
6. Smoke detectors
7. Sprinkler systems

The plan will include the required testing and servicing as required by manufacturer's recommendations. It will also include a determination of the most reliable and cost effective way to perform the work including the decision to hire a contractor.

2.4 INSPECTION PROGRAM

The Williamsburg Redevelopment and Housing Authority's goals of efficiency and cost-effectiveness are achieved through a carefully designed and rigorously implemented inspection program. This program calls for the inspection of all areas of the Authority's facilities -- the dwelling units, the grounds and building exteriors, and major service systems.

A. Dwelling Unit Inspections

The unit inspection system of the Housing Authority has two primary goals:

1. To assure that all dwelling units comply with standards set by HUD and local codes; and

2. To assure that the staff of the Housing Authority knows at all times the condition of each unit for which it is responsible.

The achievement of these goals may require more than the annual HUD required inspection. WRHA staff is responsible for developing a unit inspection program that schedules inspections at the frequency required.

For all non-emergency inspections, the Resident shall be given at least two (2) days written notice of the inspection.

The maintenance staff shall perform the unit inspection program of the Housing Authority. During each inspection, the staff shall perform specified preventive and routine maintenance tasks. Any other work items noted at the time of the inspection

will be documented on the inspection form. All uncompleted work items shall be converted to a work order within twenty-four hours of the completion of the inspection. The maintenance staff shall endeavor to complete all inspection-generated work items within 30 days of the inspection.

All maintenance staff is responsible for monitoring the condition of dwelling units. Whenever a maintenance staff member enters a dwelling unit for any purpose, such as completing a resident request for service or accompanying a contractor, he or she shall record on an inspection form any required work he or she sees while in the apartment. These work items shall also be converted to a service request within twenty-four hours of discovery.

B. Building and Grounds Inspections

Regular inspections of the property grounds and building exteriors are required to maintain the curb appeal of the property. This curb appeal is required to maintain the attractiveness of the property for both current and prospective residents. The inspection procedure will specify the desired condition of the areas to be inspected.

This defined condition will include any HUD or locally required standards. The existence of these standards shall not prevent the Housing Authority from setting a higher standard that will make the property more competitive in the local market.

Building and grounds inspections must cover these areas:

1. Hallways
2. Stairwells
3. Community room and other common space such as kitchens or public restrooms
4. Laundry facilities
5. Lobbies
6. Common entries
7. Attics
8. Grounds
9. Porches or patios
10. Parking lots
11. Sidewalks and fences
12. Lawns, shrubs and trees
13. Trash compactors or collection areas

14. Building foundations

15. Elevators

An inspection form will be developed for common areas and building exteriors and grounds. The staff member responsible for the inspection shall note all deficiencies on the form and ensure that these deficiencies are recorded on work order within twenty-four hours of the inspection. The Housing Authority will complete all inspection-generated work items within thirty (30) days of the inspection.

Nothing in this policy shall prevent any Housing Authority staff member from reporting any needed work that they see in the regular course of their daily activities. Such work items shall be reported to the site manager of the appropriate property.

C. Systems Inspections

The regular inspection of all major systems is fundamental to a sound maintenance program. The major systems inspection program overlaps with the preventive maintenance program in some areas. To the extent that inspections, in addition to those required for scheduled service intervals, are needed, they will be a part of the inspection schedule. Any work items identified during an inspection shall be converted to a work order within twenty-four hours and completed within thirty (30) days.

2.5 SCHEDULED ROUTINE MAINTENANCE

The Williamsburg Redevelopment and Housing Authority shall include in this category all tasks that can be anticipated and put on a regular timetable for completion. Most of these routine tasks are those that contribute to the curb appeal and marketability of the property.

A. Pest Control/Extermination

The Williamsburg Redevelopment and Housing Authority will make all efforts to provide a healthy and pest-free environment for its residents. The Authority will determine which, if any, pests infest its properties and will then provide the best possible treatment for the eradication of those pests.

WRHA staff will determine the most cost-effective way of delivering the treatments whether by licensed contractor or Authority personnel.

The extermination plan will begin with an analysis of the current condition at each property. WRHA staff shall make sure that an adequate schedule for treatment is developed to address any existing infestation. Special attention shall be paid to bedbugs. The schedule will include frequency and locations of treatment. Different schedules may be required for each property.

Resident cooperation with the extermination plan is essential. All apartments in a building must be treated for the plan to be effective. Residents will be given information about the extermination program at the time of move-in. All residents will be informed at least one week before treatment. The notification will be in writing and will include instructions that describe how to prepare the unit for treatment. If necessary, the instructions shall be bi-lingual to properly notify the resident population.

B. Landscaping and Grounds

The Williamsburg Redevelopment and Housing Authority will prepare a routine maintenance schedule for the maintenance of the landscaping and grounds of its properties that will ensure their continuing attractiveness and marketability.

Routine grounds maintenance includes numerous activities:

1. Litter control

2. Lawn care

3. Maintenance of driveways, sidewalks and parking lots

4. Care of flower and shrubbery beds and trees

5. Maintenance of playgrounds, benches and fences

6. Snow removal (when required by climate)

WRHA staff shall be responsible for the development of a routine maintenance schedule that shall include the following:

1. A clearly articulated standard of appearance for the grounds that acknowledges but is not limited to HUD and local code standards;

2. A list of tasks that are required to maintain that standard and the frequency with which the tasks must be performed;

3. The equipment, materials, and supplies required to perform the tasks and a schedule for their procurement; and

4. A separate snow removal plan including a schedule for preparing equipment for the season and the procurement of other necessary materials and supplies.

C. Building Exteriors and Interior Common Areas

The appearance of the outside of Authority buildings as well as their interior common areas is important to their marketability. Therefore, the Housing Authority has established a routine maintenance schedule to ensure that they are always maintained in good condition. The components to be maintained include:

1. Lobbies

2. Hallways and stairwells

3. Elevators
4. Public restrooms

5. Lighting fixtures

6. Common rooms and community spaces

7. Exterior porches and railings

8. Building walls

9. Windows

WRHA staff shall be responsible for the development of a routine maintenance schedule for building exterior and interior common areas. The schedule shall be based on the following:

1. A clearly articulated standard of appearance for the building
2. A list of tasks required to maintain that standard
3. The frequency with which the tasks must be performed
4. A list of materials, equipment and supplies required to perform the tasks.

D. Interior Painting

The appearance and condition of the paint within each unit is important to unit condition and resident satisfaction. Accordingly, the Housing Authority will develop a plan to ensure that interior paint in resident dwelling units is satisfactorily maintained.

As part of this plan painting standards will be developed that include:

1. Surface preparation

2. Protection of non-painted surfaces

3. Color and finish

4. Paint quality

5. Methods of application

The plan will set out the conditions for the consideration of a painting request. These standards include the period of time that has elapsed since the last time the unit was painted.

Minimum Heating Standard in Public Housing Units

HUD is requiring PHA's to provide minimum heating standards in public housing units and the following must be added to the ACOP:

a. If temperatures are PHA controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit.

b. If temperatures are resident controlled, the heating equipment in each unit must have the capacity of heating to at least 68 degrees Fahrenheit.

Currently WRHA does not control the temperatures in the public housing units and are following item b., and no additional action is required.

2.6 RESIDENT ON-DEMAND SERVICE

This category of work refers to all resident generated work requests that fall into no other category. These are non-emergency calls made by residents seeking maintenance service. These requests for service cannot be planned in advance or responded to before the resident calls.

It is the policy of the Williamsburg Redevelopment and Housing Authority to complete these work requests within seven (7) days. However, unless the request is an emergency or entails work that compromises the habitability of the unit, these requests will not be given a priority above scheduled routine and preventive maintenance. By following this procedure, the Housing Authority believes it can achieve both good resident service and a maintenance system that completes the most important work first and in the most cost effective manner.

3.0 CONTRACTING FOR SERVICES

The Williamsburg Redevelopment and Housing Authority will contract for maintenance services when it is in the best interests of the Authority to do so. When the employees of the Authority have the time and skills to perform the work at hand, they will be the first choice to perform a given task. When the employees of the Authority have the skills to do the work required, but there is more work than there is time available to complete it, the Housing Authority will determine whether it is more cost effective to use a contractor to complete the work. If the Authority staff does not have the skills to complete the work, a contractor will be chosen. In the last instance, the Authority will decide whether it will be cost effective to train a staff member to complete the work.

Once the decision has been made to hire a contractor, the process set out in the Williamsburg Redevelopment and Housing Authority Procurement Policy will be used. These procedures vary depending on the expected dollar amount of the contract. The most important aspect of the bid documents will be the specifications or statement of work. The clearer the specifications the easier it will be for the Authority to get the work product it requires at the best cost.

WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY
TRESPASS / BANN AND BAR POLICY
JANUARY 2014

GUIDELINES

The following policy and guidelines of the Williamsburg Redevelopment and Housing Authority (WRHA) shall apply to all properties of WRHA. All properties of WRHA are for the sole use and benefit of the residents of such developments, members of their households, their lawfully invited guests, personnel of WRHA and such other persons who have legitimate business on said property ("Permittees"). In an effort to protect the health, safety and welfare of its residents, persons upon said premises, other than named above, shall be regarded as trespassers and shall be prosecuted as allowed by law. The trespass policy shall be conspicuously posted at each WRHA development in a manner

sufficient to warn all persons of the policy. On request by any law enforcement officer or authorized personnel of WRHA, any person found on WRHA property must identify himself and demonstrate that he is within the above class of Permittees. Any person refusing or unable to identify himself or who is unable to demonstrate that he is a Permittee as defined above shall be issued a Trespass Notice (Ban and Bar) and be escorted from WRHA property. The WRHA Ban and Bar Policy will be applied consistent with the WRHA Criminal Background Check and eviction policies. This ban can only be rescinded by order of the Executive Director, his assignee or WRHA Legal Counsel.

BAN AND BAR APPEAL PROCESS

A person can appeal a ban and bar letter. He must first present the appeal within three (3) working days after receiving the Ban and Bar Letter. The appeal can be presented in writing or orally and must be submitted in person to the Public Housing Administrator at his office, 401 Lafayette Street, Williamsburg, VA. A person may make a second appeal to the Executive Director whose ruling shall be final.

VIOLATION OF BAN AND BAR/NOTICE OF TRESPASS

Banned and barred persons are in violation if they are:

- In any WRHA housing unit
- On any WRHA property
- On a public sidewalk within an WRHA housing development
- In a vehicle on a WRHA owned parking lot

Pursuant to Virginia law on trespass, violators may be arrested for trespass.

NOTICE OF TRESPASS
(BAN & BAR NOTICE)

Pursuant to Limited Power of Attorney given by and on behalf of the Williamsburg Redevelopment and Housing Authority, the undersigned, being a duly sworn officer of the City of Williamsburg Police Department does hereby notify you that pursuant to Section 18.2-119 of the Code of Virginia as amended that you are not permitted to enter the premises of or be upon any of the following properties owned by Williamsburg Redevelopment and Housing Authority under any circumstances:

Blayton Building	Scotland Street	38 units
Sylvia Brown Apartments	New Hope Road	28 units

Katherine Circle Apartments Dunning Street 24 units

Mimosa Woods Apartments Mimosa Drive 14 units

In the future, if you return to any of the above properties or any other property of the Williamsburg Redevelopment and Housing Authority, even if accompanied by or invited by a resident, you may be subject to arrest and criminal prosecution for unauthorized entry (TRESPASSING).

NAME:_____

Last First MI. Race Sex Date of Birth

ADDRESS:_____

Number Street City State Phone #

EMPLOYER:_____ POSITION:_____

IDENTIFICATION:_____

SSN. Drivers Lic.# State Other

HGT:_____WGT:_____Completion:_____Hair_____Eyes_____

I hereby acknowledge that this NOTICE has been read to me by an officer of the Williamsburg Police Department and I understand its content. I understand that by signing this NOTICE I am not admitting that I am presently trespassing.

_____ _____

Subject Signature Date Witness Signature Date

_____ Reason Barred_____

Serving Officer Date

_____

- **You may appeal this ban and bar letter. You must present the appeal within three (3) working days after receiving this notice. The appeal can be presented in writing or orally and must be submitted in person to the Public Housing Administrator at his office, 401 Lafayette Street, Williamsburg, VA**

VEHICLE REGISTRATION AND PARKING POLICY

All tenant owned vehicles must be registered with WRHA. Residents must own the vehicle being registered and prove ownership by providing the vehicle registration in the tenant's name. The resident must own the car and have title in their name to be eligible for parking privileges. Residents may not register a relative or friend's car. Residents are responsible for advising WRHA if they sell or change vehicles.

- A parking permit may be issued to each tenant household member owning a motor vehicle. At the time of lease-up and annually thereafter, stickers will be issued for each registered vehicle, said sticker to be placed in the rear window of the registered vehicle.

- Only vehicles properly registered and tagged by WRHA will be allowed to park in WRHA parking areas. Registration does not guarantee a parking space.
- The car must have a valid license plate and current license tags in accordance with State and local ordinances.
- The car must be in operable condition and able to run at all times.
- Cars and other vehicles may not be parked on the lawn.
- Residents may not make repairs to their vehicles including changing oil or replacing mechanical parts.
- Residents who intend to be away from their unit are still responsible for adhering to the parking policy. Residents who will be away on vacation, in the hospital, etc. should authorize another person to look after their vehicle and be prepared to remove the vehicle if necessary. Failure to designate a responsible person to look after a resident's car does not exempt that vehicle from being towed at owner's expense.
- Any vehicle found to be in violation of the above policy will be ticketed by WRHA personnel and towed at owner's expense. Residents are given 72 hours after tagging in which to remove the vehicle or cure the violation. Prior to towing, WRHA personnel will make every effort to contact the owner for resolution of the situation.
- WRHA reserves the right to tow all vehicles without notice if they (i) are not properly tagged; or (ii) present a hazard; or (iii) violate federal, state or local laws and ordinances; or (iv) otherwise jeopardize the safety of others).

POSSESSION OF FIREARMS

Tenant and members of Tenant's household and any guest or visitor of either Tenant or any member of Tenant's household, shall comply with all applicable laws and safety devices defined by the Virginia courts as it relates to the possession of firearms. Legal requirements for firearm possession include, but are not limited to, registration, certification, and completion of the State required Safety course. All firearms are required to be secured by an approved key lock device and/or maintained in an approved safety box. Examples of approved devices include handgun trigger locks, cable locks, and shotgun/rifle trigger locks. Any violation of the law and/or WRHA policy shall be grounds for termination of this lease as provided under the lease.

CURFEW

A Tenant, or member of the Tenant's household, being the parent, guardian or other adult person having the care, custody or control of a person under the age of eighteen (18) years, who shall suffer or permit, or, by ineffective control, allow such person to violate the curfew policy of WRHA, shall be considered to have violated their lease, and shall be subject to termination.

CABLE PIRACY

Tenant and members of tenant's household shall refrain from the unauthorized reception of cable television services, or the unlawful use, theft or conversion of cable television equipment, property or services.

SATELLITE POLICY

Residents may now own and operate dish television systems from their apartments, the Williamsburg Redevelopment and Housing Authority has developed several rules regarding the placement and operation of these antennas on its property.

1. Antenna and satellite dish receivers shall be no more than 32.5" Wide x 22.5" High in diameter.

2. Antenna and satellite dish receivers shall not be attached to any building or roof surface owned by the Housing Authority.

3. Antenna and satellite dish receivers shall not be visible from the front of Housing Authority Buildings.

4. The antenna and satellite dish receivers shall be permanently installed by a certified, licensed, and approved installer.

5. To avoid "trip hazards" and grounds care hazards the wire from the antenna/ dish receiver shall be buried to a depth of at least 12 inches. The cable shall not cause a PHAS finding. If a potential finding is determined by maintenance the cable shall be removed and/or cut by maintenance to abrogate the finding.

6. Entrance of the wire to the apartment shall not deface the apartment building or cause additional energy consumption or damage to any Housing Authority building, windows, doors, or equipment (i.e. through an open window).

7. Resident shall "hold harmless" the Housing Authority for any incident involving the antenna/dish receiver. The entire system is the liability of the resident and the housing authority assumes no responsibility for operation and/or condition of any part of the system at any time.

8. Resident shall return the property to its original condition at the time of egress from the apartment or shall assume the entire financial burden of the restoration of the property.

The penalty for non-compliance with these Rules shall be eviction from the property, loss of security deposit, and loss of any equipment left at the time of the judgment in favor of the Housing Authority.

DISCLAIMER POLICY

All policies will be interpreted and applied in accordance with applicable state and federal statutes as well as HUD regulations and policy guidance. Any conflict between the language of these policy and such statutes and/or regulations will be resolved in accordance with federal law and policy. Additionally, the policies will be deemed automatically revised should any of the above laws or regulations change. To the extent that the change is mandatory (allowing no PHA discretion), the context of this policy will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving future automatic revisions responding to mandatory changes.