

**ADMISSION AND  
CONTINUED  
OCCUPANCY POLICY**

**Of the**

**GLADSTONE HOUSING  
COMMISSION**

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## **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

This Admissions and Continued Occupancy Policy defines the Gladstone Housing Commission's policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

### **1.0 Fair Housing**

It is the policy of the Gladstone Housing Commission to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Gladstone Housing Commission's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Gladstone Housing Commission will provide Federal/State/local information to applicants/residents of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Gladstone Housing Commission office. In addition, written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Gladstone Housing Commission will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The Gladstone Housing Commission will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

### **2.0 REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take advantage of the Gladstone Housing Commission housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Gladstone Housing Commission will follow in determining whether it is reasonable to

### **3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS**

The Gladstone Housing Commission will endeavor to locate a person who can speak languages other than English in order to assist non-English speaking families.

### **4.0 FAMILY OUTREACH**

The Gladstone Housing Commission will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspapers, the Gladstone Housing Commission will distribute fact sheets to the broadcasting media from time to time. The Gladstone Housing Commission will also try to utilize public service announcements.

The Gladstone Housing Commission will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

### **5.0 RIGHT TO PRIVACY**

All adult members of both applicant and resident households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or resident information will not be released unless there is a signed release of information request from the applicant or resident.

### **6.0 REQUIRED POSTINGS**

In its office, the Gladstone Housing Commission will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

Statement of Policies and Procedures governing Admission and Continued Occupancy; Notice of the status of the waiting list (opened or closed); Income Limits for Admission; Current Schedule of Routine Maintenance Charges; Dwelling Lease; Grievance Procedure; Fair Housing Poster; Equal Opportunity in Employment Poster; Any current Gladstone Housing Commission Notices.

### **7.0 TAKING APPLICATIONS**

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted during regular

business hours, Monday through Friday between the hours of 9:00 a.m. to 4:00 p.m. at the Gladstone Housing Commission, 217 Dakota Avenue, Gladstone, MI 49837. Applications will be mailed to interested families upon request.

Applications are taken to compile a waiting list. The Gladstone Housing Commission may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants, and the Gladstone Housing Commission will verify the information.

The completed application will be dated and time stamped upon its return to the Gladstone Housing Commission. Incomplete applications will not be accepted.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Gladstone Housing Commission to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is 1-906-428-2215.

The Gladstone Housing Commission will verify preferences, eligibility, suitability and selection factors to determine the family's eligibility and suitability for admission into the Public Housing Program prior to placement on the waiting list.

The Gladstone Housing Commission will notify the family in writing when they are placed on the waiting list, and the approximate wait before housing may be offered. If the Gladstone Housing Commission determines the family to be ineligible or unsuitable, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The Gladstone Housing Commission will annotate the applicant's file and will update their place on the waiting list. Written confirmation of the changes will be required.

## **8.0 ELIGIBILITY FOR ADMISSION**

### **8.1 INTRODUCTION**

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Gladstone Housing Commission screening criteria in order to be admitted to public housing.

## 8.2 ELIGIBILITY CRITERIA

- A. Family status.
1. A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
    - a. Children temporarily absent from the home due to placement in foster care are considered family members.
    - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size, but are not considered family members for determining income limit.
  2. An elderly family, which is:
    - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
    - b. Two or more person who are at least 62 years of age living together; or
    - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
  3. A near-elderly family, which is:
    - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
    - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
    - c. One or more person, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
  4. A disabled family, which is:
    - a. A family whose head, spouse, or sole member is a person with disabilities;
    - b. Two or more persons with disabilities living together; or
    - c. One or more persons with disabilities living with one or more live-in aides.



5. A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. A remaining member of a resident family.
7. A single person who is not elderly or displaced person, a person with disabilities, or the remaining member of a resident family.

B. Income eligibility

1. To be eligible for admission to developments that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area. This pertains to Fairview Manor.
2. To be eligible for admission to developments that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area. This pertains to Bayview Manor.
3. Income limits apply only at admission and are not applicable for continued occupancy.
4. A family may not be admitted to the public housing program from another assisted housing program (e.g., resident-based Section 8) or from a public housing program operated by another Housing Commission without meeting the income requirement of the Gladstone Housing Commission.
5. If the Gladstone Housing Commission acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing residents.
6. Income limit restrictions do not apply to families transferring within our Public Housing Program.

C. Citizenship/Eligibility Status

1. To be eligible each member of the family must be a citizen,

national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

2. Family eligibility for assistance.

- a. A family shall not be eligible for assistance unless every member of the family residing in the unity is determined to have eligible status, with the exception noted below.
- b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the noncitizen rule.)
- c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD or the Gladstone Housing Commission to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
  - b. A provision authorizing HUD or the Gladstone Housing Commission to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
  - c. A provision authorizing HUD to request income information from the IRS and SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and

- d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

### 8.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Gladstone Housing Commission will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other residents, Gladstone Housing Commission employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
- B. The Gladstone Housing Commission will consider objective and reasonable aspects of the family's background, including the following:
  - 1. History of meeting financial obligations, especially rent;
  - 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other residents;
  - 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other residents or staff or cause damage to the property;
  - 4. History of disturbing neighbors or destruction of property;
  - 5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
  - 5. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
- C. The Gladstone Housing Commission will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Gladstone Housing Commission will verify the

information provided. Such verification may include but may not be limited to the following:

1. A credit check of the head, spouse and other adult household members who are at least 18 years of age;
2. A rental history check of all adult family members;
3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Gladstone Housing Commission may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, applicants, and appurtenances. The inspection may also consider any evidence of criminal activity; and
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

#### **8.4 GROUNDS FOR DENIAL**

The Gladstone Housing Commission is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other residents;

- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other residents or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any Housing Commission in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Gladstone Housing Commission may waive this requirement if:
  - 1. The person demonstrates to the Gladstone Housing Commission's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
  - 3. Has otherwise been rehabilitated successfully; or
  - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any Gladstone Housing Commission staff or residents;
- N. Have a household member who has ever been evicted from public

housing;

- O. Have a family household member who has been terminated under the certificate or voucher program;
- P. Denied for Life: If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Q. Denied for Life: Has a lifetime registration under a State sex offender registration program.

## **8.5 INFORMAL REVIEW**

- A. If the Gladstone Housing Commission determines that an applicant does not meet the criteria for receiving public housing assistance, the Gladstone Housing Commission will promptly provide the applicant with written notice of the determination. The notice must contain the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial.

The informal review may be conducted by any person designated by the Gladstone Housing Commission, other than a person who made or approved the decision under review or subordinates of this person. The applicant must be given the opportunity to present written or oral objections to the Gladstone Housing Commission's decision. The Gladstone Housing Commission must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

- B. The participant family may request that the Gladstone Housing Commission provide for and Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

## **9.0 MANAGING THE WAITING LIST**

## **9.1 OPENING AND CLOSING THE WAITING LIST**

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

## **9.2 ORGANIZATION OF THE WAITING LIST**

The waiting list will be maintained in accordance with the following guidelines:

- A. All applications will be maintained by type of unit (senior/disabled), in order of bedroom size, preference, and then in order of date and time of application; and
- B. Any contacts between the Gladstone Housing Commission and the applicant will be documented on or attached to the application.

## **9.3 PURGING THE WAITING LIST**

The Gladstone Housing Commission will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the Gladstone Housing Commission has current information, i.e. applicant's address, family composition, income category, and preferences.

## **9.4 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The Gladstone Housing Commission will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a

request to declare their continued interest in the program; or

- C. The applicant does not meet either the eligibility or suitability criteria for the program.

## **9.5 MISSED APPOINTMENTS**

All applicants who fail to keep a scheduled appointment with the Gladstone Housing Commission will be sent a notice of termination of the process for eligibility.

The Gladstone Housing Commission will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause before the family is removed from the waiting list. When good cause exists for missing an appointment, the Gladstone Housing Commission will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list. It should be noted the unit assigned to the family may no longer be available when an appointment is missed.

## **9.6 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by the Gladstone Housing Commission that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Gladstone Housing Commission system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Gladstone Housing Commission will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

## **10.0 RESIDENT SELECTION AND ASSIGNMENT PLAN**

### **10.1 PREFERENCES**

The Gladstone Housing Commission will select families based on the following preferences within each bedroom size category:

- A. Employment/Education - Applicants with an adult family member enrolled in an employment training program, currently working a minimum of 20



hours a week, or attending school on a full-time basis. This preference is extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work. (20 points)

B. Involuntarily Displaced:

1. Displaced by Disaster: An applicant's unit is uninhabitable because of a disaster, such as fire or flood;
2. Government Action: Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program;
3. Housing Owner's Action: Action by a housing owner forces the applicant to vacate its unit and the applicant cannot control or prevent the owner's action; occurs although the applicant met all imposed conditions of occupancy; and the action taken by the owner is other than a rent increase (i.e. conversion of unit to non-residential; closing unit for rehab or any other reason; owner wants unit for personal or family use or occupancy; sale of the unit), and any other legally authorized act that results or will result in withdrawal of the unit from the rental market;
4. Domestic Violence: Of a recent or continuing nature which results in the applicant vacating a unit because of domestic violence, or living in a unit with an individual who engages in such domestic violence. Domestic violence means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household. For an applicant to qualify as involuntarily displaced because of domestic violence, the Housing Commission must determine that the domestic violence occurred recently or is of a continuing nature, the applicant must certify that the person who engaged in such violence will not reside with the applicant family unless the Housing Commission has given advance written approval. If the family is admitted, the Housing Commission may deny or terminate assistance to the family for breach of this certification. (20 points)

Applicants will be offered a unit based on the total number of preference points, date and time of application.

Notwithstanding the above, families who are elderly or disabled will be offered housing before other single persons.

Buildings Designed for the Elderly and Disabled: Preference will be given to

elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to singles who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. A family required to transfer will be given a 30-day notice.

## **10.2 ASSIGNMENT OF BEDROOM SIZES**

Management shall assign the first available appropriate size unit to the applicant. There are larger one bedroom units designed for couples. If there are no couple applications, the unit may be rented to a single in order to maintain and/or achieve full occupancy.

Two bedroom units are designed for family units other than husband and wife unless waived by Management due to special circumstances, such as the need for medical equipment (hospital bed, oxygen, etc.):

Fairview Manor	2 Two bedroom units
Bayview Manor	2 Two bedroom units

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines - A family may request a smaller unit size than the guidelines allow. The Gladstone Housing Commission will allow the smaller size unit so long as general no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for three years or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines - A family may request a larger unit size than the guidelines allow. The Gladstone Housing Commission will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the

family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.

- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

### **10.3 SELECTION FROM THE WAITING LIST**

The Gladstone Housing Commission shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met we shall at least quarterly monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

### **10.4 DECONCENTRATION POLICY**

It is Gladstone Housing Commission's policy to provide for deconcentration of poverty and encourage income mixing by bringing high income families into lower income developments and lower income families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discrimination manner.

The Gladstone Housing Commission will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income development and high income people will not be steered toward higher income developments. Under no circumstances will the Housing Commission leave a dwelling unit vacant due to there being no higher or lower income family on the waiting list willing to lease at a specific development.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, the income levels of census tracts in which our developments are located, and the income levels of the families on the waiting list. Based on analysis, we will determine the level of marketing strategies and deconcentration efforts to implement.

### **10.4 DECONCENTRATION INCENTIVES**

The Gladstone Housing Commission shall make every effort to provide for

deconcentration of poverty and income mixing in its communities by bringing higher income residents into lower income developments and lower income residents into higher income developments.

To this extent the Housing Commission shall ensure that not less than 40% of all new admissions shall be families whose income at the time of their admission does not exceed 30% of the area s median income.

The Housing Commission does not intend to utilize and/or impose any specific income or racial quotas nor offer incentives for eligible families to occupy units in developments predominately occupied by families having either lower or higher incomes.

#### **10.4 OFFER OF A UNIT**

When the Gladstone Housing Commission discovers that a unit will become available, we will contact the first family on the waiting list who has the highest number of preference points for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal.

The Gladstone Housing Commission will notify the family of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the Gladstone Housing Commission regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have one (1) business day to accept or reject the unit. This verbal offer and the family s decision must be documented. If the family rejects the offer of the unit, the Gladstone Housing Commission will send the family a letter documenting the offer and the rejection.

#### **10.7 REJECTION OF UNIT**

If in making the offer to the family the Gladstone Housing Commission skipped over other families on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If the Gladstone Housing Commission did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their preferences and application s date and time.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health,

proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

## **10.8 ACCEPTANCE OF UNIT**

Prior to signing the lease, the family will be loaned a binder that contains all of the Housing Commission policies, the lease, etc. so they may become familiar with the many requirements associated with living in public housing.

The family will be required to sign a lease that will become effective no later than two (2) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

The applicant will be provided a copy of the lease, Admission & Continued Occupancy Policy (which contains the grievance procedure), utility allowances, excess utility charges (if any), the Public Housing Handbook that contains a schedule of routine maintenance charges, etc. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Commission personnel. The certification will be filed in the resident's file.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of housing and the Gladstone Housing Commission will retain the original executed lease in the resident's file. The family will pay a security deposit at the time of lease signing. The security deposit will be \$50.

In exceptional situations the Gladstone Housing Commission reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the Housing Commission.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

## **11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME**

To determine annual income, the Gladstone Housing Commission counts the income of all family members, excluding types and sources of income that are specifically excluded. Once the annual income is determined, the Gladstone

Housing Commission subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

## 11.1 INCOME

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets is used in a business or profession may be deducted, based on straight-line depreciation, as provided in the Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not 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 an investment is 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 includes 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.

- D. 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 amounts or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker s compensation, and severance pay. (However, lump sum additions such as insurance payments from worker s compensation are excluded.)
- F. Welfare assistance.
  - 1. 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 consists of:
    - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
    - b. 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 requirement is the amount resulting from one application of the percentage.
  - 2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member s failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
  - 3. If the amount of welfare assistance is reduced as a result of

a lifetime time limit, the reduced amount is the amount that shall be counted as income.

- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## 11.2 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payment received for the care of foster adults (usually persons with disabilities, unrelated to the resident family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker s compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
  - 1. Amounts received under training programs funded by HUD;
  - 2. 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;
  - 3. Amounts received by a participant in other publicly assisted



programs that are specially for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Commission 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, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;
5. 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;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. 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;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
  - a. Comparable Federal, State or local law means a program

providing employment training and supportive services that:

- i. Is authorized by a Federal, State or local law;
  - ii. Is funded by the Federal, State or local government;
  - iii. Is operated or administered by a public agency; and
  - iv. Has as its objective to assist participants in acquiring employment skills.
- b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
- c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
  - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
  - c. Families who are or were, within 6 months, assisted under a State TANF program.

(While HUD regulations allow for the Housing Commission to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this Housing Commission to provide the exclusion in all cases.)

12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

13. 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;
14. 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
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
  - a. The value of the allotment of food stamps.
  - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973.
  - c. Payments received under the Alaska Native Claims Settlement Act.
  - d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes.
  - e. Payments made under HHS's Low-Income Energy Assistance Program.
  - f. Payments received under the Job Training Partnership Act.
  - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians.
  - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims.
  - i. Amount of scholarships awarded under Title IV including Work Study.
  - j. Payments received under the Older Americans Act of 1965.
  - k. Payments from Agent Orange Settlement.
  - l. Payments received under the Maine Indian Claims Act.
  - m. The value of child care under the Child Care and Development Block Grant Act of 1990.

- n. Earned income tax credit refund payments.
- o. Payments for living expenses under the Americorps Program.
- p. Additional income exclusions provided by and funded by the Gladstone Housing Commission.

The Gladstone Housing Commission will not provide exclusions from income in addition to those already provided for by HUD.

### **11.3 DEDUCTIONS FROM ANNUAL INCOME**

The following deductions will be made from annual income:

- A. \$400 for any elderly family or disabled family;
- B. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- C. For any elderly or disabled family:
  - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
  - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
  - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- D. Child care expenses.

### **12.0 VERIFICATION**

The Gladstone Housing Commission will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission.

Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security number; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

## **12.1 ACCEPTABLE METHODS OF VERIFICATION**

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Gladstone Housing Commission or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/resident file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

When third party verification cannot be obtained, the Gladstone Housing Commission will accept documentation received from the applicant/resident. Hand-carried documentation will be accepted if the Gladstone Housing Commission has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the Gladstone Housing Commission will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

## **12.2 TYPES OF VERIFICATION**

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Gladstone Housing Commission will send a request form to the source along with a release form signed by the applicant/resident via first class

mail.

(See verification chart for requirements).

### **12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS**

The citizenship/eligible non-citizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible non-citizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of their status and verification consent form and provide their original INS documentation. The Gladstone Housing Commission will make a copy of the individual's INS documentation and place the copy in the file. The Gladstone Housing Commission will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Gladstone Housing Commission will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible non-citizens must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the Gladstone Housing Commission determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-

citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### **12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the Gladstone Housing Commission will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will not be required to sign a statement to this effect. The Gladstone Housing Commission will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a resident family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

#### **12.5 TIMING OF VERIFICATION**

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Commission will only verify and update those elements reported to have changed.

## **12.6 FREQUENCY OF OBTAINING VERIFICATION**

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new family member joining the family, their citizenship/eligible non-citizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

## **13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT**

### **13.1 FAMILY CHOICE**

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method or having their rent set at the flat rent amount.

- A. Families who opt for the ceiling/flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.
- B. Families who opt for the ceiling/flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

### **13.2 THE FORMULA METHOD**

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;



- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$30, but never more than the ceiling rent.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent income the family would have otherwise received.

### **13.3 MINIMUM RENT**

The Gladstone Housing Commission has set the minimum rent at \$30. However, if the family requests a hardship exemption, the Gladstone Housing Commission will immediately suspend the minimum rent for the family until the Housing Commission can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
  - 1. When the family has lost eligibility for or is waiting for an eligibility determination for a Federal, State, or local assistance program;
  - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
  - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
  - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
  - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Commission determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Commission reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of

the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Commission will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Commission will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

- D. Long-term hardship. If the Housing Commission determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Commission's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### **13.4 THE CEILING/FLAT RENT**

The Gladstone Housing Commission has set a ceiling/flat rent for each public housing unit that is reflected from the annually published Fair Market Rent (FMR) for its jurisdiction. It is the Gladstone Housing Commission's position that ceiling and flat rents are synonymous per Federal Register Vol. 64, No. 83/Friday, April 30, 1999. The FMR changes from time to time. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on ceiling/flat rents, see Section 15.3).

The Gladstone Housing Commission will post the ceiling/flat rents at the office and they are incorporated into this policy upon approval by the Board of Commissioners.

#### **13.5 RENT FOR FAMILIES UNDER THE NON-CITIZEN RULE**

A mixed family will receive full continuation of assistance if all of the following conditions are met:

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of

the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The Gladstone Housing Commission will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Gladstone Housing commission will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

- A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the Gladstone Housing Commission. The 95th percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

### **13.6 UTILITY ALLOWANCE**

The Gladstone Housing Commission shall establish a utility allowance for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the Gladstone Housing Commission will review the actual consumption of resident families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any

time utility rate changes by 10% or more since the last revision to allowances.

The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Gladstone Housing Commission. The amount of the utility allowances is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the resident. Any savings resulting from utility costs below the amount of the allowance belongs to the resident.

### **13.7 PAYING RENT**

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the Gladstone Housing Commission's Administrative Office located at 217 Dakota Avenue, Gladstone, MI, 49837. As a safety measure, no cash shall be accepted as a rent payment. Payments may be mailed to the Housing Commission at the above address; however, the Housing Commission accepts no responsibility for the performance of the U.S. Post Office.

If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued to the resident. In addition, a \$10 late charge and \$1 a day for every day rent remains unpaid in full will be assessed to the resident. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$25 for processing costs.

### **14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE**

#### **14.1 GENERAL**

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight (8) hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement.

#### **14.2 EXEMPTIONS**

The following adult family members of resident families are exempt from this requirement:

- A. Family members who are 62 or older;
- B. Family members who are blind or disabled;

- C. Family members who are the primary care giver for someone who is blind or disabled;
- D. Family members engaged in work activity for at least 8 hours per month;
- E. Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program;
- F. Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.

### **14.3 NOTIFICATION OF THE REQUIREMENT**

The Gladstone Housing Commission shall identify all adult family members who are apparently not exempt from the community service requirement.

The Gladstone Housing Commission shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Gladstone Housing Commission shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For family's paying a ceiling/flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

### **14.4 VOLUNTEER OPPORTUNITIES**

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

The Gladstone Housing Commission may develop a list of volunteer community service positions within the City of Gladstone.

#### **14.5 THE PROCESS**

At the first annual reexamination on or after October 1, 1999, and each annual reexamination thereafter, the Gladstone Housing Commission will do the following:

- A. Provide a list of volunteer opportunities to the family members, if a list is available;
- B. Self-certification by each adult family member at annual re-exam is the method of certification to be used by the Gladstone Housing Commission. However, the Housing Commission reserves the right to require family members to complete a time sheet and have a supervisor date and sign for each period of work or provide documentation in some other acceptable fashion.

#### **14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT**

The Gladstone Housing Commission will notify any family found to be in non-compliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated.

#### **14.7 OPPORTUNITY FOR CURE**

The Gladstone Housing Commission will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency

program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the Gladstone Housing Commission shall take action to terminate the lease.

## **15.0 RE-CERTIFICATIONS**

At least annually, the Gladstone Housing Commission will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct size unit.

### **15.1 GENERAL**

The Gladstone Housing Commission will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the ceiling/flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a ceiling/flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the appointment, the Gladstone Housing Commission will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

### **15.2 MISSED APPOINTMENTS**

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Gladstone Housing Commission taking eviction actions against the family.

### **15.3 CEILING/FLAT RENTS**

The annual letter to flat rent payers regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting a ceiling/flat rent amount in lieu of completing the

reexamination process and having their rent based on the formula amount;

- B. The amount of the ceiling/flat rent;
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income;
- D. Families who opt for the ceiling/flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo;
- E. Families who opt for the ceiling/flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
  - 1. The family's income has decreased;
  - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.;
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family;
- F. The dates upon which the Gladstone Housing Commission expects to review the amount of ceiling/flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective;
- G. The name and phone number of an individual to call to get additional information or counseling concerning ceiling/flat rents;
- H. A certification for the family to sign accepting or declining the ceiling/flat rent.

Each year prior to their anniversary date, the Gladstone Housing Commission will send a reexamination letter to the family offering the choice between a ceiling/flat or a formula rent. The opportunity to select the ceiling/flat rent is available only at this time. At the appointment, the Gladstone Housing Commission may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the ceiling/flat rent method without meeting with the Gladstone Housing Commission representative, they may make the selection on the form and return the form to the Gladstone Housing Commission. In such case, the Gladstone Housing



Commission will cancel the appointment.

#### **15.4 THE FORMULA METHOD**

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family.

Upon receipt of verification, the Gladstone Housing Commission will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$30, but never more than the ceiling/flat rent.

#### **15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS**

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

#### **15.6 INTERIM REEXAMINATIONS**

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified. Families will not be required to report and increase in income or decreases in allowable expenses between annual reexaminations.

Families are required to report the following changes to the Gladstone Housing

Commission between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through birth, adoption or court-awarded custody;
- B. A household member is leaving or has left the family unit.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the same screening process as other applicants and may not reside in the home until the process is complete and the Housing Commission approve the household addition. The Gladstone Housing Commission will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph 15.8 below.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Gladstone Housing Commission will take timely action to process the interim reexamination and recalculate the resident's rent.

### **15.7 Special Reexaminations**

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the Gladstone Housing Commission may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

### **15.8 Effective Date of Rent Changes Due to Interim or Special Reexaminations**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

## **16.0 UNIT TRANSFERS**

### **16.1 Objectives of the Transfer Policy**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations;
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit;
- C. To facilitate a relocation when required for modernization or other management purposes;
- D. To facilitate relocation of families with complete and permanent inability to continue living in a multiple-story apartment;
- E. To eliminate vacancy loss and other expense due to unnecessary transfers.

### **16.2 Types of Transfers**

- A. **Housing Commission Initiated** - The Gladstone Housing Commission may, at its discretion, transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by the management as follows:
  - 1. In the event of a fire, accident or natural disaster that results in the dwelling unit becoming uninhabitable, the resident will be offered alternative accommodations within the neighborhood if a rentable unit in the appropriate size is available. The option to transfer fire or disaster victims is open to the Housing Commission;

management may review rent paying history, housekeeping, illegal or criminal activities and/or social dysfunction and use these criteria for making the determination to rehouse. At the Housing Commission, the Executive Director has the ultimate responsibility for providing shelter for victims of fire. If the appropriate size unit is not available within the same neighborhood, the family may be transferred to an appropriate size unit available at another Housing Commission owned neighborhood. If the move is to a site where the residents purchase any portion of the utilities, the resident will pay the cost of any deposit required by the utility company. If an appropriate size unit is not available at any site, then the family may be over-housed, but placed on the transfer list with the transfer being accomplished at the appropriate time. The resident will be required to pay all relocation expenses.

2. If a neighborhood is undergoing modernization work which necessitates vacating apartments, the affected residents will be relocated at the Housing Commission's expense in available vacant units within the Gladstone Housing Commission.
3. To protect a family from reprisals because family members provided information on criminal activities to a law enforcement agency.
4. To protect a family whose member(s) have been the victim of a hate crime.
5. To accommodate a member of a family who has a mobility or other impairment that makes the person unable to use critical elements of the unit.
6. If there is involuntary disposition of the multi-family rental housing development by HUD under Section 203 of the Housing and Community Development Amendments of 1978.
7. If determined feasible by management, the Housing Commission will attempt to relocate affected residents into vacant units within the site. Other decisions related to modernization transfers will be made by the Executive Director or designee. The Housing Commission may suspend normal transfer procedures to facilitate modernization type activities.

- B. Transfers for Approved Medical Reasons** - Residents may be transferred from their current apartment in order to obtain reasonable accommodations of the needs of any resident with disabilities. The Commission may require medical documentation of the resident's

condition from a physician or service provider and reserves the right to make its own evaluation of such documentation. All other medical related transfer requests shall be determined solely by the Executive Director or designee.

C. **Transfers to Appropriately Sized Unit** - Section 15 of the dwelling lease states that:

The Resident understands that the Landlord assigns dwelling units according to the Occupancy Standards published in its Admissions and Continued Occupancy Policy (ACOP). The standards consider the type (such as dwelling units designed for the elderly or disabled) and size of dwelling unit required by the number of household members. If the Resident is, or becomes, eligible for a different type of, or size, dwelling unit and an appropriate dwelling unit under this program becomes available, the Resident shall be given a reasonable period of time to move.

This section establishes both that the Housing Commission has an obligation to transfer Residents to the appropriately sized unit and that Residents are obligated to accept such transfers. These will be made in accordance with the following principles:

1. Determination of the correctly sized and type of apartment shall be in accordance with the Housing Commission's occupancy standards.
2. Single persons, elderly and handicapped residents who occupy a one-bedroom apartment will not be required to relocate into an efficiency (0-BR).
3. When a family is over-housed, no children reside in the household, and the head of household or spouse reaches the age of 62, or is certified as disabled, the Housing Commission will transfer the family to a project designated elderly/disabled.
4. Transfers into the appropriately sized unit will be made within the same size unit unless that size unit does not exist on the site.
5. Management may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contains a leaseholder capable of discharging lease obligations. The new

household must apply for occupancy and be processed through the regular application procedure.

**D. Transfers for Non-handicapped families living in handicapped designated Units.**

Section 15 of the dwelling lease states: The standards consider the type (such as dwelling units designated for the elderly and disabled) and size of the dwelling unit required by the number of household members. If the Resident is, or becomes, eligible for a different type or size of dwelling unit and an appropriate dwelling unit under this program becomes available, the Resident shall be given a reasonable period of time to move.

Residents housed in a barrier-free unit, if barrier-free is not required, will be transferred if and when the unit is needed for a disabled family.

The Gladstone Housing Commission may, from time to time, have an excess of barrier-free units. In an effort to get the best use of all units, the Housing Commission may lease an accessible unit to a family that has no disabled members. The family will be advised of the requirement to transfer if and when a disabled family is determined to be eligible. If the family selected for the unit decides not to accept the unit because of the requirement to move at some date in the future, the refusal shall not count against the family.

This section establishes that the Housing Commission has an obligation to transfer non-disabled residents living in barrier-free units to non barrier-free units and that non-disabled residents are obligated to accept such transfers. These will be made in accordance with the following principles:

1. Transfers to a non barrier-free unit will be made within the same site unless that size unit does not exist on the site; if none exists on the same site, the transfer will be made to another site.
2. Management may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible for HUD definition and contain a legal leaseholder capable of discharging lease obligations. For the purposes of determining the priorities of transfers, this type of transfer shall be considered a Housing Commission initiated transfer.

### **16.3 Priorities for Transfers**

All transfers must be either for approved medical reasons, for relocation to an appropriate type and size unit or be initiated by the Housing Commission. No other reasons for transfers will be considered. Within the eligible types, transfers shall be performed according to the following priorities:

- A. Housing Commission initiated transfers;
- B. Transfers to a single level apartment for approved medical reasons;
- C. Residents who are under-housed or over-housed and not over-housing by the Housing Commission to remedy a vacancy rate or to keep vacant units occupied.

Housing Commission initiated transfers generally have priority over new move-ins. The remainder shall be mixed with new move-ins at a ratio of one transfer to seven new move-ins. Within each priority type, transfers will be ranked by date. In transfers requested by residents for approved health reasons or to move to a larger apartment, the date shall be that on which the family circumstances are verified by management. In case of an involuntary transfer, the date will be that on which management verifies that the change occurred. Management reserves the right to immediately transfer any family who has misrepresented family circumstances or composition.

### **16.4 Transfer Procedures**

The Housing Commission staff shall:

- A. Determine whether a vacancy is used for transfer or move-ins based on priorities and established ratios;
- B. Coordinate actual transfers with other Housing Commission staff;
- C. Maintain transfer logs and records for audit;
- D. Notify residents with pending transfers as their name approaches the top of the list;
- E. Issue notice of vacant apartment as soon as a vacant apartment is identified;
- F. Issue notice to transfer when an apartment is available for occupancy giving the Resident four (4) working days to complete the transfer;

- G. Process transfer documents;
- H. Participate in planning and implementation of special transfer systems for modernization and other similar programs;
- I. Inspect both apartments involved in the transfer, charging for any damage beyond normal wear and tear.

Only one offer of an apartment will be made to each resident being transferred within their own site. A resident being transferred outside his/her site will be allowed to refuse one offer only. In the case of a family being transferred from a unit which is uninhabitable, incorrectly sized, or scheduled for major repairs, failure to accept the unit offered, or the second unit offered in the case of a transfer outside the neighborhood, will be grounds for termination of the lease. When a person has requested a single level apartment for approved medical reasons declines the offer of such an apartment, the Housing Commission is not obligated to make any subsequent offers. The Housing Commission will notify the resident in such cases that the Housing Commission has discharged its obligations to the resident, that he remains in the apartment at his own risk, and that the Housing Commission assumes no liability for his condition.

#### **16.5 Right of Management to Make Exceptions**

The plan is to be used as a guide to ensure fair and impartial means of assigning units for transfer. It is not intended that this policy shall create a property right or any other type of right for a resident to transfer or refuse to transfer. Management reserves the right to make exceptions to this policy as circumstances require.

#### **17.0 INSPECTIONS**

An authorised representative of the Gladstone Housing Commission and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition will be signed by both parties with a copy retained in the Gladstone Housing Commission file and a copy given to the family member. An authorized Gladstone Housing Commission representative will inspect the premises at the time the resident vacates.

##### **17.1 Move-In Inspections**

The Gladstone Housing Commission and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the resident file.



## **17.2 Annual Inspections**

The Gladstone Housing Commission will inspect each public housing unit annually to ensure that each unit meets the Gladstone Housing Commission's housing standards. Work orders will be submitted and completed to correct any deficiencies.

## **17.3 Preventative Maintenance Inspections**

This is generally conducted along with the annual inspection, but may be performed at other times. This inspection is intended to keep items in good repair. It checks weatherization, condition of the smoke detectors, water heaters, boilers, automatic thermostats and water temperatures, checks for leaks, and provides an opportunity to perform other minor servicing that extends the life of the unit and its equipment.

## **17.4 Special Inspections**

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Gladstone Housing Commission.

## **17.5 Housekeeping Inspections**

Generally, at the time of annual inspection, or at other times as necessary, the Gladstone Housing Commission will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

## **17.6 Notice of Inspection**

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the Gladstone Housing Commission will give the resident at least two (2) days written notice.

## **17.7 Emergency Inspections**

If any employee and/or agent of the Gladstone Housing Commission has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enter the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

## **17.8 Move-Out Inspections**

The Gladstone Housing Commission conducts the move-out inspection after the resident vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the resident is notified of the inspection

and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

## **18.0 PET POLICY**

### **18.1 Exclusions**

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all residents to maintain their units and associated facilities in a decent, safe and sanitary manner and to refrain from disturbing their neighbors.

### **18.2 Approval**

Residents must have the prior approval of the Housing Commission before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Commission will approve the request.

### **18.3 Types and Number of Pets**

The Gladstone Housing Commission will allow only domesticated dogs, cats, birds and fish in aquariums in units. All dogs and cats must be neutered. Aquariums may not exceed 40 gallons.

Only one (1) dog or cat per unit. Birds are limited to two (2) per unit.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight-trained dogs, will not be allowed.

No animal may exceed 20 pounds in weight.

### **18.4 Inoculations, Collar, License, Etc.**

In order to be registered, pets must be appropriately inoculated against rabies, distemper and other conditions prescribed by local ordinance. Dogs and cats must be neutered; cats must be declawed.

Dogs must be licensed.

Dogs and cats must wear a collar at all times with proof of rabies inoculation attached and an identification tag that bears the animal's name, owner's name, address and telephone number.

To register the pet and at each annual re-certification or at other times deemed

necessary by the Housing Commission, resident must provide proof of license, current inoculations, and current photograph in color (3x5 minimum size).

### **18.5 Pet Deposit and Liability Insurance**

A pet deposit of one and a half month s rent (not to exceed \$300) is required at the time of registering a pet. The deposit is refundable when the pet or the family vacate the unit, less any amounts owed due to damage beyond normal wear and tear. The resident must obtain liability insurance in the minimum amount of \$50,000 providing to the Housing Commission a Certificate of Insurance naming the Gladstone Housing Commission as an additional insured. The Certificate of Insurance must state the Housing Commission shall be notified if said insurance is discontinued.

### **18.6 Financial Obligation of Residents**

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner s unit will be the financial responsibility of the pet owner. The Housing Commission reserves the right to exterminate and charge the resident.

### **18.7 Nuisance or Threat to Health or Safety**

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner s unit and surrounding areas.

A litter box must be provided for cats and cleaned on a daily basis. Litter to be changed at least weekly.

Repeated substantiated complaints by neighbors or Gladstone Housing Commission personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or vacate the premises.

### **18.8 Designation of Pet Areas**

Pets must be kept in the owner s apartment or on a leash at all times when outside (no outdoor cages or pens may be constructed). At no time may a dog or cat be tied up outside the dwelling unit. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

### **18.9 Visiting Pets**

No guests are allowed to bring pets on the premises.

### **18.10 Removal of Pets**

The Gladstone Housing Commission shall require the removal of any pet from a facility if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the facility or of other persons in the community where the facility is located. This condition applies to instances when Housing Commission employees or private contractors enter the unit for inspections, maintenance or modernization projects.

### **18.11 Alternative Responsible Person**

Before acquiring a pet, the owner must have on file with the Housing Commission a Pet Data Sheet identifying the person, home and work address and telephone numbers of the person accepting the responsibility for the care of the pet in case of owner's illness, hospitalization or other times when the owner is absent.

## **19.0 REPAYMENT AGREEMENTS**

When a resident owes the Gladstone Housing Commission back charges and is unable to pay the balance by the due date, the resident may request that the Gladstone Housing Commission allow them to enter into a Repayment Agreement. The Gladstone Housing Commission has the sole discretion of whether to accept such an agreement. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the resident to eviction procedures.

## **20.0 TERMINATION**

### **20.1 Termination by Resident**

The Gladstone Housing Commission after 10/1/2000 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

The Gladstone Housing Commission will terminate the lease for serious or repeated violation of material lease terms. Such violations include, but are not limited to, the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;

- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for Housing Commission approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes, but is not limited to, the manufacture of the drug methamphetamine;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Commission; and
- M. Other good cause.

The Gladstone Housing Commission will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

### **20.3 Abandonment**

The Gladstone Housing Commission will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, a Gladstone Housing Commission representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold or otherwise disposed of. If the Gladstone Housing Commission does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office. Resident will be charged a storage fee on a per day basis.

Any money raised by the sale of the property goes to cover money owed by the

family to the Gladstone Housing Commission for charges such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known, the Gladstone Housing Commission will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Gladstone Housing Commission.

Within 30 days of learning of an abandonment, the Gladstone Housing Commission will either return the deposit or provide a statement of why the deposit is being kept.

#### **20.4 Return of Security Deposit**

After a family moves out, the Gladstone Housing Commission will return the security deposit within 30 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same condition as when the family moved in, except for normal wear and tear.

The Gladstone Housing Commission will be considered in compliance with the above if the requirement payment, statement or both are deposited in the U.S. Mail with First Class postage paid within 30 days of returning unit keys to the Housing Commission.

#### **21.0 GRIEVANCE PROCEDURE**

##### **21.1 Right to a Hearing**

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

##### **21.2 Definitions**

For the purpose of this Grievance Procedure, the following definitions are applicable:

- A. **Grievance** shall mean any dispute which a resident may have with respect to the Gladstone Housing Commission's action or failure to act in accordance with the individual resident's lease or Commission regulations which adversely affect the individual resident's rights, duties, welfare or status. Grievance does not include any dispute a resident may have with the Commission concerning a termination of tenancy or eviction that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the Commission's public housing premises by other residents or employees of the Commission, including alcohol abuse determined by the Housing commission to interfere with the health, safety of, or right to peaceful enjoyment of the premises by other residents; or any violent or drug-related criminal activity on or off such premises; or any

activity resulting in a felony conviction. Nor shall this process apply to disputes between residents not involving the Gladstone Housing commission or to class grievances.

- B. **Complainant** shall mean any resident whose grievance is presented to the Gladstone Housing Commission in accordance with Sections 21.3 and 21.4 of this procedure.
- C. **Elements of Due Process** shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
  2. Right of the resident to be represented by counsel;
  3. Opportunity for the resident to refute the evidence presented by the Commission including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and
  4. A decision on the merits.
- D. **Hearing Officer** shall mean a person selected in accordance with Section 21.4 of these procedures to hear grievances and render a decision with respect thereto.
- E. **Resident** shall mean the adult person (or persons) other than a live-in aide:
1. Who resides in the unit and who executed the lease with the Gladstone Housing Commission as a lessee of the premises, or, if no such person now resides in the premises;
  2. Who resides in the unit and who is the remaining head of household of the resident family residing in the unit.
- F. **Resident Organization** includes a resident management corporation.
- G. **Promptly** (as used in Section 21.3 and 21.4 (D)), shall mean within the time period indicated in a notice from the Gladstone Housing Commission, of a proposed action which would provide the basis for a grievance if the resident has received a notice of a proposed action from the agency.

### **21.3 Procedures Prior to a Hearing**

Any grievance shall be promptly and personally presented, either orally or in writing, to the Gladstone Housing Commission office, so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within fourteen (14) calendar days and one copy shall be given to the resident and one retained in the Commission's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.

### **21.4 Procedures to Obtain a Hearing**

#### **A. Request for Hearing:**

The resident shall submit a written request for a hearing to the Commission within fourteen (14) calendar days from the date of the mailing of the summary of the discussion pursuant to Section 21.3. The written request shall specify:

1. The reasons for the grievance; and
2. The action or relief sought.

#### **B. Selection of a Hearing Officer:**

A grievance hearing shall be conducted by an impartial person appointed by the Gladstone Housing Commission other than a person who made or approved the action under review or a subordinate of such person.

The Gladstone Housing Commission shall annually compile a list of prospective hearing officers. This list shall be provided to any existing resident organization(s) for such organization's comments or recommendations. The Gladstone Housing Commission shall consider any comments or recommendations by a resident organization.

From this list, a hearing officer shall be selected.

#### **C. Failure to Request a Hearing:**

If the resident does not request a hearing in accordance with this section, then the Gladstone Housing Commission's disposition of the grievance under Section 21.3 shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the Gladstone Housing Commission's action in disposing of the



complaints in an appropriate judicial proceeding.

D. Hearing Prerequisite:

All grievances shall be promptly presented in person, either orally or in writing, pursuant to the informal procedure prescribed in Section 21.3 as a condition precedent to a hearing under this section. However, if the resident can show good cause why there was failure to proceed in accordance with Section 21.3 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

E. Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the Gladstone Housing Commission claims is due, the resident shall pay to the Gladstone Housing Commission an amount equal to the amount of 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 resident shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by the Gladstone Housing Commission until the complaint is resolved by decision of the hearing officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, the Gladstone Housing Commission may waive these requirements. Unless so waived, the failure to make such payments shall result in termination of the grievance procedure. However, failure to make payment shall not constitute a waiver of any right the resident may have to contest the Gladstone Housing Commission's disposition of his/her grievance in an judicial proceeding.

F. Schedule of Hearings:

Upon the resident's compliance with this section, the hearing officer shall promptly schedule a hearing for a time and place reasonably convenient to both the resident and the Gladstone Housing Commission. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

## **21.5 Procedures Governing the Hearing**

The resident shall be afforded a fair hearing, which shall include:

A. The opportunity to examine before the grievance hearing any Commission documents, including records and regulations that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the Gladstone Housing Commission does not

make the document available for examination upon request by the resident, the Gladstone Housing Commission may not rely on such document at the grievance hearing;

- B. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;
- C. The right to a private hearing unless the resident requests a public hearing;
- D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Commission or development management, and to confront and cross examine all witnesses upon whose testimony or information the Gladstone Housing Commission relies; and
- E. A decision based solely and exclusively upon the facts presented at the hearing.

The hearing officer may render a decision without holding a hearing if the hearing officer determines that the issue has been previously decided at another hearing.

If either the resident or Commission fails to appear at a scheduled hearing, the hearing officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the Gladstone Housing Commission and the resident shall be notified of the hearing officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodation will be made for persons with disabilities:

- A. The Gladstone Housing Commission shall provide reasonable accommodations for person with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants;
- B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

## **21.6 Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status**

The participant family may request that the Gladstone Housing Commission provide for an informal hearing after the family has notification of the INS

decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

## **21.7 Decision of the Hearing Officer**

The hearing officer shall prepare a written decision, together with the reasons therefore, within fourteen (14) calendar days after the hearing. A copy of the decision shall be sent to the resident and the Gladstone Housing Commission. The Commission shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the Gladstone Housing Commission and made available for inspection by a prospective complainant, his or her representative, or the hearing officer.

The decision of the hearing officer shall be binding on the Gladstone Housing Commission who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Gladstone Housing Commission's Board of Commissioners determines within reasonable time, and promptly notifies the complainant of its determination, that:

- A. The grievance does not concern Gladstone Housing Commission action, or failure to act, in accordance with or involving the resident's lease or Commission regulations, which adversely affect the resident's rights, duties, welfare or status;
- B. The decision of the hearing officer is contrary to applicable Federal, State or local law, Commission regulations, or requirements of the Annual Contributions Contract between the Commission and the U.S. Department of Housing and Urban Development.

A decision made by the hearing officer or Board of Commissioners in favor of the Gladstone Housing Commission, or which denies the relief requested by the resident in whole or in part, shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial *no novo* or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

## GLOSSARY

**50058 Form:** The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the Housing Commission, for interim reexaminations.

**1937 Housing Act:** The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which resident rent is based. (24 CFR 5.611)

**Adult:** A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

**Allowances:** Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the Housing Commission.

**Annual Contributions Contract (ACC):** The written contract between HUD and a Housing Commission under which HUD agrees to provide funding for a program under the 1937 Act, and the Housing Commission agrees to comply with HUD requirements for the program. (24 CFR 5.403)

**Annual Income:** All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

**Applicant (applicant family):** A person or family that has applied for admission to a program, but is not yet a participant in the program. (24 CFR 5.403)

**As-Paid States:** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the

four as-paid States are New Hampshire, New York, Oregon and Vermont.

**Assets:** The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property, such as furniture and automobiles, are not counted as assets. (Also see net family assets .)

**Asset Income:** Income received from assets held by family members. If assets total more than \$5,000, income from the assets is imputed and the greater of actual asset income and imputed asset income is counted as annual income. (See imputed asset income .)

**Ceiling Rent:** Maximum rent allowed for some units in public housing facilities.

**Certification:** The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

**Child:** For purposes of citizenship regulations, a member of the family, other than the family head or spouse, who is under 18 years of age. (24 CFR 5.504(b))

**Child Care Expenses:** 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. (24 CFR 5.603(d))

**Citizen:** A citizen or national of the United States. (24 CFR 5.504(b))

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits. (24 CFR 5.214)

**Decent, Safe and Sanitary:** Housing is decent, safe and sanitary if it satisfies the applicable housing quality standards.

**Department:** The Department of Housing and Urban Development. (24 CFR 5.100)

**Dependent:** A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a

disability or is a full-time student. (24 CFR 5.603(d))

**Dependent Allowance:** An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

**Disability Assistance Expenses:** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family, nor reimbursed by an outside source. (24 CFR 5.603(d))

**Disability Assistance Expense Allowed:** In determining adjusted annual income, the amount of disability assistance expenses from annual income for families with a disabled household member.

**Disabled Family:** A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see person with disabilities .)

**Disabled Person:** See person with disabilities .

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

**Displaced Person:** A person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (1937 Act)

**Drug-Related Criminal Activity:** Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act. (21 U.S.C. 802)

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

**Elderly Family Allowance:** for elderly families, an allowance of \$400 is deducted from the household's annual income in determining the adjusted annual income.

**Elderly Person:** A person who is at least 62 years of age. (1937 Housing Act)

**Extremely Low-income Families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**Family:** Includes, but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member or a resident family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family. (24 CFR 5.403)

**Family Members:** All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

**Family Self-Sufficiency Program (FSS Program):** The program established by a Housing Commission to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the Housing Commission set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**Full-Time Student:** A person who is carrying a subject load that is considered full-time

for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

**Head of Household:** The adult member of the family who is the head of household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Household Members:** All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Imputed Income:** For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

**In-Kind Payments:** Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

**Interim (examination):** A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

**Live-In Aide:** A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- A. Is determined to be essential to the care and well-being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing level of construction costs or unusually high or low family incomes. (1937 Act)



**Medical Expenses:** Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animal, and transportation for medical purposes.

**Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

**Monthly Adjusted Income:** One twelfth of adjusted income. (24 CFR 5.603(d))

**Monthly Income:** One twelfth of annual income. (24 CFR 5.603(d))

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

**Net Family Assets:**

- A. 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 interest in Indian trust land and excluding equity accounts in HUD ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. 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.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or resident 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 reexamination, 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 resident receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

**Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

**Occupancy Standards:** The standards that a Housing Commission establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Person with Disabilities:** A person who:

- A. Has a disability as defined in Section 223 of the Social Security Act, which states:

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

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity in which he or she has previously engaged with some regularity and over a substantial period of time .

- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and
3. Is of such a nature that such ability could be improved by more suitable housing conditions.

- C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:

Severe, chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue;
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and

5. Reflects the person's need for a combination and sequences of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated .

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

**Public Housing Agency (PHA):** Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

**Recertification:** The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

**Remaining Member of a Resident Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 Rev 2, 3-5b)

**Resident:** The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Self-Declaration:** A type of verification statement by the resident as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a resident family. (Public Housing: Handbook 7465.1 Rev 2, 3-5)

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wages reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing

employment-related income and eligibility information. (24 CFR 5.214)

**Temporary Assistance to Needy Families (TANF):** The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Tenant Rent:** The amount payable monthly by the family as rent to the Housing Commission. Where all utilities (except telephone) and other essential housing services are supplied by the Housing Commission or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the Housing Commission and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

**Third-Party (verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**

Total tenant payment for families whose initial lease is effective on or after August 1, 1982:

- A. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
  - 1. 30% of the family's monthly adjusted income;
  - 2. 10% of the family's monthly income; or
  - 3. If the family is receiving payments for welfare assistance from a public agency and part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

Total tenant payment for families residing in public housing whose initial lease was

effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996, will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**Very Low-Income Families:** Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

**Welfare Rent:** In as-paid welfare programs, the amount of the welfare benefit designated for shelter and utilities.