

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

**FOR THE
HOUSING AUTHORITY OF THE
CITY OF MCALLEN, TEXAS**

All text in Red font is proposed for removal from this policy
All text in Blue font is proposed for addition to this policy

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

Distribution to Functional Areas

This Policy has been distributed to staff in the following departments:

- Public Housing Managers**
- Admissions/Occupancy Staff**
- Financial Staff**
- Maintenance Staff**
- Other: Specify: _____**

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INTRODUCTION AND STATEMENT OF LOCAL OBJECTIVES

The overall objective of the McAllen Housing Authority (hereinafter referred to as PHA) is to provide housing for low-income families that is decent, safe, sanitary, and in good repair, on a continuing basis. The PHA's residents play an important role in the PHA's ability to accomplish this mission. Selection and approval of housing residents and their continued occupancy of units affects rental income, maintenance of dwelling units, safety and security of residents and PHA employees, and the impressions or perceptions that the PHA makes on the general public.

Consequently, it is essential that an authority have written policies and procedures that provide for adequate screening of applicants and for continued occupancy of dwelling units by residents. This policy is also in compliance with Rental Housing Improved Integrity Program (RHIP) as set fourth by the Department of Housing and Urban Development (HUD) and is written to prepare the PHA for the Rental Integrity Monitoring visit.

This document contains the PHA's policies pertaining to the admission and continued occupancy of its residents. It is organized basically in the order of concerns that responsible PHA staff members encounter in selecting and reexamining residents. These policies include requirements in the Housing Act of 1937, as amended, Title VI of the Civil Rights Act of 1964 and other civil rights requirements, HUD regulations, the Annual Contributions Contract, and state and local laws.

PHA staff members in the housing management area are primarily responsible for implementing the policies contained in the following sections of this document.

Local Objectives

In addition to the general statement above, the Admissions and Continued Occupancy Policy (hereinafter referred to as the A & O Policy) is designed to achieve the following objectives:

- To provide improved living conditions for very low- and low-income families while maintaining their rent payments at an affordable level;
- To operate a socially and fiscally sound public housing agency that provides drug-free, decent, safe and sanitary housing with a suitable living environment for residents and their families;
- To avoid concentrations of economically and socially deprived families in any one or all of the PHA's public housing developments;
- To lawfully deny the admission of applicants, or the continued occupancy of residents whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents, or, the physical environment of the neighborhood, or, create a danger to PHA employees.

SECTION 1. NONDISCRIMINATION AND PRIVACY REQUIREMENTS

In making decisions concerning admission and occupancy of dwelling units, the PHA must comply with requirements against discrimination contained in Civil Rights legislation enacted in the 1960's and subsequent legislation concerning the disabled, familial status and the aged. The following outlines the PHA's general policy concerning the requirements and specific actions to be taken in the admission and occupancy process.

A. General Policy

1. The McAllen Housing Authority will not discriminate against any person or family because of race, color, creed, age, sex, religion, disability, national origin, or familial status, in any phase of the occupancy process. The occupancy process includes, but is not limited to, application processing, leasing, transfers, delivery of management and maintenance services, access to common facilities, treatment of residents, and termination of tenancy.
2. There will be no intimidation or retaliatory actions by the PHA or its staff against any applicant or resident because of participation in civil rights activities, or for having asserted any civil rights under statute, regulations, or requirements pursuant thereto.
3. The race, color, or national origin of the residents of the dwelling units or of the staff will not be a factor in the assignment of managers and other staff responsible for the administration of the public housing program.
4. The PHA will abide by the nondiscrimination requirements of 24 CFR 960.203:
 - a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d), which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance. (24 CFR part 1)
 - b. The Fair Housing Act of 1988 (42 U.S.C. 3601-3619), also prohibits discrimination in housing practices based on disability in residential real estate-related transactions. (24 CFR parts 100, 108, 109, & 110)
 - c. Executive Order 11063 on Equal Opportunity Housing. (24 CFR part 107)
 - d. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination based on disability in programs receiving Federal financial assistance. (24 CFR part 8)
 - e. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), which prohibits discrimination based on age in programs receiving Federal financial assistance. (24 CFR part 146)
 - f. Americans with Disabilities Act (42 U.S.C. 12101-12213).
 - g. Executive Order 13166 requiring agencies and grantees to take affirmative steps to communicate with people who need services or information in a language other than English. (Improving Access

- to Services for Persons with Limited English Proficiency [LEP]).
- h. Obligation to Affirmatively Further Fair Housing (24 CFR §960.103 (b) and 24 CFR §903.7(o)).
- i. Violence Against Women Reauthorization Act of 2013 (VAWA 2013) and the VAWA program requirements as per HUD PIH Notice 2017-08.

B. Specific Actions

1. The PHA will not, on the grounds of race, color, creed, sex, religion, age, disability, national origin, or familial status:
 - a. Deny a person or family admission to housing.
 - b. Provide housing, which is different than that provided others, except for elderly and/or disabled where accessibility features may be required.
 - c. Subject a person to segregation or disparate treatment.
 - d. Restrict a person's access to any benefit enjoyed by others in connection with housing programs.
 - e. Treat a person differently in determining eligibility or other requirements for admission.
 - f. Deny any person access to the same level of services provided to others.
 - g. Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing programs.
2. It will not intimidate, threaten, or take any retaliatory action against any applicant or resident because of a person's participation in civil rights activities or assertions of civil rights.
3. It will not deny physically disabled persons an opportunity to apply for housing due to inaccessible application offices. Accessibility to the main office is available.
4. It will not assign employees in a way that would result in discrimination against applicants or residents.
5. It will make sure that all employees of the PHA, especially those who are involved in the admissions process, are familiar with discrimination and nondiscrimination requirements.
6. It will prominently display a fair housing poster at (a) each office where applications are taken, and (b) each management office, except single-family dwellings.
7. It will maintain information on the race, ethnicity (Hispanic or non-Hispanic), sex, and age of the head of the household of all applicants and residents.

8. It will not discriminate in the rental of, or otherwise make unavailable or deny, a dwelling to any renter because of a disability of:
 - a. that renter;
 - b. a person residing in or intending to reside in that dwelling after it is rented, or made available; or
 - c. any person associated with that person.

9. It will not discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - a. that renter;
 - b. a person residing in or intending to reside in that dwelling after it is rented, or made available; or
 - c. any person associated with that person.

10. It will not make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is rented or made available, or any person associated with that person, has a disability, or make an inquiry as to the nature or severity of a disability of such a person. Furthermore, the PHA will not inquire whether an applicant or resident is “capable of living independently.” However, this paragraph does not prohibit the PHA from making the following inquiries: (If another qualified resource determines that an applicant is incapable of living independently, the PHA may take their guidance into consideration.)
 - a. inquiry into an applicant's ability to meet the requirements of tenancy;
 - b. inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or persons with a particular type of disability;
 - c. inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with particular type of disability should such priority be part of the PHA’s policies;
 - d. inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance, except that such persons who claim eligibility as disabled due to drug or alcohol abuse alone are not eligible for housing; or
 - e. inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance, or of any violent crime.

11. The PHA will not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others. Section 7. Applicant Screening and Denial of Admission, of this policy, will describe in detail how such

individuals will be identified prior to occupancy.

12. The PHA reviews its policies and procedures, at least annually, to assure compliance with civil rights requirements.

C. Service Policy/Reasonable Accommodations

1. The PHA's policies and practices are designed to provide assurances that all persons with disabilities will be provided reasonable accommodations so that they may fully access and utilize the housing programs and related services.
2. The PHA will identify and eliminate situations and/or procedures that create barriers to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, the PHA will make structural modifications to its housing and non-housing facilities and make reasonable accommodations or combinations of structural modifications and reasonable accommodations, to permit persons with disabilities to take full advantage of its housing program provided that the modifications can be accomplished without undue financial and/or administrative burden. If providing a requested modification results in a fundamental alteration in the nature of the program or an undue financial/administrative burden, the PHA need not provide that accommodation. However, the PHA is required to provide any other accommodation that would not result in undue financial and/or administrative burden or fundamental alteration of the program. If the PHA provides transportation to functions or activities, or if transportation is necessary for a disabled person to participate in such functions or activities, the PHA must ensure that accessible transportation is provided to accommodate the disabled person and attendant and or family/friends.
3. Requests for reasonable accommodation from persons with disabilities will be presented to the occupancy staff person assigned to the applicant/resident who will process the request and seek verification of the need for the accommodation. The accommodation will be granted upon receipt of third-party verification that the accommodation meets the need presented by the disability and does not result in substantial alteration of the program or create an undue financial or administrative burden on the PHA. Should the request be denied, an applicant may request an informal meeting to appeal the decision and a resident may request a hearing under the PHA's Grievance Procedures.
4. Reasonable accommodations will be made for persons with a disability who require an advocate, accessible offices, or alternative locations for making application, including their home or a service agency. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

5. All PHA mailings will be made available in an accessible format upon request as a reasonable accommodation.
6. A reliable and knowledgeable professional will verify all requests for accommodations or modifications.
7. The PHA will make a reasonable effort to provide accessibility to individuals with long term but temporary disability that limit their mobility or other major life activities. In such cases, their lease will specify that they will be required to relocate to another unit when the need for the accessibility features is no longer required. The temporary nature of the disability and the approximate length of time of disability will be verified through a qualified health or services professional.
8. The PHA will not permit these policies to be subverted to do personal or political favors. The PHA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, Federal law, and the civil rights of the other families on the waiting list.

D. Translation Of Documents

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

1. The number of applicants and residents who do not speak English and speak another language or need Braille for adequate understanding.
2. The cost per client of translating the documents into another language or into Braille.
3. The availability of translation and/or interpreter services in the PHA's jurisdiction.

Documents intended for use by applicants and residents will be made available in formats accessible to those with vision or hearing impairments. Equally important, the documents will be simply and clearly written to enable applicants with learning or cognitive disabilities to understand as much as possible. It is also understood that many of the public housing related concepts may need to be explained more than once to applicants/residents. Sign language interpreters may be provided for hearing-impaired applicants/residents if requested as a reasonable accommodation. For applicants/residents unable to read, intake/occupancy staff will read and explain orally anything they would normally hand to an applicant/resident to be read or filled out. Staff will assist in completing forms and other required documents for persons unable to write.

4. At a minimum, the PHA will prepare the following information in a

clearly written and accessible format:

- Marketing and informational material;
- Application process information;
- The application;
- All form letters and notices to the applicants/residents;
- The PHA's general policy regarding reasonable accommodation;
- New resident orientation materials;
- The lease and any applicable house rules;
- Guidance/instructions on care of the housing unit;
- Information on opening, closing and up-dating the waiting list; and
- All information related to applicant/resident rights (informal/formal hearings, grievance procedures, etc.).

E. Privacy Policy

It is also the PHA's policy to guard the privacy of individual applicants and residents in accordance with the Privacy Act of 1974, and to ensure the protection of those individuals' records maintained by the PHA. The PHA does not allow the disclosure of any personal information (including, but not limited to information on disability, drug or alcohol abuse/treatment or criminal background) contained in any of their records to any person or agency without express written consent of the affected individual, or as required by law or regulation. However, this privacy policy in no way limits the PHA's right or ability to collect such information as needed to determine applicant/resident eligibility, compute rent, determine the applicant's suitability for tenancy or evaluate the resident's suitability for continued occupancy.

F. Code Of Conduct

In accordance with the Annual Contributions Contract, Section 19, Conflict of Interest, the PHA has established a written code of conduct for conducting business in accordance with core values and ethical standards. (See also PHA's Conduct Standards Policy.)

1. Neither the PHA, nor any of its contractors or subcontractors, may enter into any contract or arrangement in connection with tenant-based programs in which the following class of persons has any interest, direct or indirect, during tenure or for one year thereafter.
 - a. Any present or former member or officer of the PHA, or any member of the officer's immediate family; exempted is any present or former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policy-making position with the resident corporation;
 - b. Any employee of the PHA, any contractor or subcontractor, any agent of the PHA, who formulates policy or who influences decisions with respect to the PHA's programs;

- c. Any public official, member of a local governing body, or state or local legislator, or any members of such individuals' immediate family, who exercises, functions, or has responsibilities with respect to the PHA's programs;
 - d. Any member of the Congress of the United States; and
 - e. Any member of the classes described in paragraph 1 of this section must disclose their interest or prospective interest to the PHA and HUD.
2. The PHA's Code of Ethics Policy prohibits solicitation or acceptance of gifts or gratuities, in excess of nominal value, by any officer or employee of the PHA, any contractor or subcontractor, or agent of the PHA.

The PHA shall adhere to this Code of Conduct and shall sanction and/or terminate any officer, employee, or agent for violations consistent with applicable state or local law.

The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

SECTION 2. OUTREACH PROGRAM

A. Overview

1. The purpose of the PHA's outreach program is to inform eligible families of the availability of the public housing program and to attract a sufficient number and variety of applicants to fill all vacancies as they arise.
2. The PHA conducts affirmative marketing when needed to specified types and groups of families to assure that all eligible participants have an equal opportunity to utilize the program.
3. It will also conduct other outreach efforts from time to time if it finds that certain categories of families are not making applications in sufficient numbers to keep all dwelling units occupied.

B. Public Notice to Families

Each time the PHA receives or acquires an allocation of new units or its waiting list has been depleted, it will make known to the public, through publication in a newspaper of general circulation, minority media, and other suitable means, the availability and nature of its housing assistance for low-income families, unless it has earlier suspended application-taking and the size of the new allocation of dwelling units does not warrant resumption of such procedures. The public notice will:

- Advise families where they may apply for the program;
- Give a brief description of the program;
- State that applicants must submit a written application if they wish to apply; and
- Itemize the income limits, including the low-income limits up to eighty percent (80%) of the local area median income (AMI).

C. Special Outreach

As needed, the PHA will take affirmative action in marketing the program, to assure that opportunities for program participation are adequately publicized to the following:

1. Families identified by the PHA as being among those least likely to apply. These families may include the frail elderly, homeless and disabled because of their inability to travel to the PHA's application office.
2. Families identified in the jurisdiction's Consolidated Plan as being expected to reside in the PHA's jurisdiction because of present or planned employment.

D. Equal Opportunity

All outreach efforts must be accomplished in accordance with the nondiscrimination requirements of Federal and state laws, and HUD guidelines for fair housing that require the use of the equal opportunity logo, statement, and slogan.

E. Planning For Outreach

Within the constraints of its financial resources and the number of applicants needed, the PHA will utilize some or all of following methods to attract eligible families:

- Identify local resources for performing outreach functions, such as the PHA staff, community groups and agencies, elements of city and county governments, colleges and universities;
- Post notices in places of employment, unemployment offices, welfare offices, Post Offices, grocery stores, churches, community halls, city and county offices, utility companies, day-care centers, Salvation Army offices, Laundromats, and senior citizen centers;
- Place news stories in daily and weekly newspapers and other local publications;
- Request public service announcements by local radio and television stations in English and any other language common to the area;
- Make oral presentations before organizations, groups and agencies that serve the elderly, disabled, homeless, and victims of domestic violence;
- Place notices in church bulletins and newsletters; and
- Encourage applicants and residents to inform their friends and relatives about the public housing program.

F. The "Outreach Message"

1. The outreach message will inform families of where, when, and how families may apply for the program, and will also include information about the PHA's application procedures.
2. The PHA will also stress characteristics of the housing program which appeal to low-income families, such as the fact that the rent is based on income. Applicants should also be advised that families, as well as elderly or disabled residents may own a pet (service animals for the disabled are allowed in any unit and are exempt from the PHA's pet ownership rules on size, type and weight).

G. Outreach Techniques

Family characteristics, ethnic backgrounds, income levels, ages, health, and employment opportunities are all among the various factors which influence the family decisions on whether to apply for public housing.

1. Non-elderly, "working poor" families receiving no welfare or other public assistance income, and whose members are only marginally employed.

- a. Such families are usually less knowledgeable about government assistance programs, and although eligible, may be reluctant to apply, since they perceive such assistance as "charity" or "welfare."
 - b. To attract working poor families, the PHA will emphasize the confidentiality of the application and income/assets information; the objective of providing decent, safe, sanitary , and housing in good repair; and that having affordable housing may help a family get back on its feet and improve its financial prospects.
2. Elderly families whose heads, spouses, or sole members are sixty-two (62) years of age or older.
 - a. Some senior citizens, like the working poor families, may be reluctant to apply for public housing because of pride in home ownership, past records of having "made it on their own" before, and associating the program with "charity" or "welfare." Limited mobility, a desire to retain their possessions and remain in familiar surroundings, and incorrect information about having to sacrifice assets may all influence an elderly person's decision on whether or not to apply for public housing.
 - b. To attract elderly families, the PHA will use some of the same techniques it uses for working poor families, including the following:
 - (1) Contacting the elderly person or family personally;
 - (2) Providing information to groups and organizations representing the elderly;
 - (3) Taking applications at the elderly person's home if transportation is unavailable or mobility is a problem; and
 - (4) Enlisting the support and assistance of groups, organizations, and agencies representing the elderly.
3. Homeless Families

The PHA will contact welfare agencies, churches, food centers, temporary shelters, and other groups or locations serving homeless families.
4. Physically and mentally disabled individuals and families, including persons who may be unable to complete an application without assistance.
 - a. The definition of elderly families includes a family whose head or spouse (or sole member) is an elderly or, disabled person. The elderly family may include two (2) or more elderly or disabled persons living together, or one or more of these persons living with one or more live-in aides.
 - b. In hardship cases, the PHA may take applications at the home of

- applicants, or by mail, if requested to do so by applicants or their guardians.
- c. It may encourage interested service agencies to assist such persons in the application process, and may contact organizations that provide services to the disabled, to explain the public housing program and distribute information and guidance on the program.
 - d. Dwelling units of any size may be used to accommodate elderly or disabled persons living alone, in pairs, or in small groups, in accordance with the PHA's Occupancy Standards.
5. Families expected to reside in the locality because of planned employment. If additional families are needed to fill vacant units, the PHA will:
- a. Determine the approximate number of new families expected to reside in the PHA's jurisdiction;
 - b. Distribute pamphlets, brochures, posters and other types of information to places where the new families will be employed, union offices, public transportation areas, if any, and in commercial establishments in surrounding areas;
 - c. Contact utility offices and city and county offices about the possibility of including PHA brochures in monthly statements mailed to families.
6. Involuntarily displaced families, such as those affected by new streets, roads or highways which make their current dwellings uninhabitable, or families whose rental apartments have been converted into other types of housing, such as condominiums. Possible actions that can be taken include the following:
- a. Monitor local news media reports of code enforcement, community re-development, rehabilitation, and new housing developments;
 - b. Participate in the meetings of local governing bodies to monitor the responses of affected families;
 - c. Contact the officials, agents, or representatives responsible for the new situations and offer assistance in providing housing for their affected clients; and
 - d. If possible, obtain the names and addresses of affected families and mail letters to them on housing programs.
7. Special efforts will also be directed towards minorities, agricultural workers, and people who already receive some other form of government assistance.

H. Monitoring and Evaluating Outreach Efforts

The PHA will establish and maintain internal documentation and monitoring procedures that will enable it to analyze the effectiveness of its outreach program. For example, it may design an appropriate form and, as part of its application process, ask each applicant how they heard about the public housing program, especially families among the groups identified as those least likely to apply. Such procedures will help the PHA determine the cost effectiveness of each method of outreach, as well as show where the outreach program needs to be improved, discontinued, or emphasized.

SECTION 3. APPLICATION FOR ADMISSION

COMPLETION OF APPLICATION

Application Procedures which are effective when the Waiting List is open.

- a. A pre-application is filled by the applicant during application intake periods, on-site and with the assistance of PHA application intake clerks. Pre-Applications will be Time & Date stamped for placement on the Waiting List. When placed on the waiting list Pre-applications are ranked based on Time & Date and applicable preferences if any.
- b. Pre-Applications are taken in the following manner: 100 applications are accepted on the second Thursday between the hours of 8:00 am to 5:00 p.m. CST. of the following months; February, April, June, August, October and December.
- c. Pre-Applications are accepted electronically via email or online through a third party based software provider procured through the PHA's procurement policy. The McAllen Housing Authority has the discretion to accept Pre-Applications via email, online or any other electronic format necessary to maintain the waiting list. If for any reason the intake location is moved, the new location will be posted in the lobby of the Main McAllen Housing Authority Office and posted on its Webpage at least 30 days before the next pre-application intake date.
- d. In cases of Inclement Weather, pandemics or epidemics, the PHA has the discretion to cancel the Pre-Application intake. In cases of Declared Natural Disasters, pandemics or epidemics, the PHA has the discretion to accept pre-applications in a manner it feels is most efficient and appropriate to handle the situation. Regardless of date and time for normal pre-application intake.
- e. Applicants are required to inform the PHA, in writing, of changes in address. Applicants are also required to respond to requests from the PHA to update information on their Pre-application and to determine their interest in assistance.

Applicants must be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the PHA may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.

Applicants who are currently on the PHA's Waiting List and who have not been provided the opportunity to complete the HUD- 92006, Supplement to Application for Federally Assisted Housing, must be provided the opportunity at the time of admissions.

- f. Mail that is returned by the U.S. Postal Service undelivered will result in removal from the waiting list. Applicants who are removed from the waiting list may reapply for assistance when the waiting list is opened.

2. Completion of a Full Application

- a. When the applicants name reaches the top of the Waiting List, they will be contacted and informed in writing to come to the office at a scheduled interview to determine their eligibility. This letter will also identify the type of information that the applicant will be required to bring to update any existing information already on file.

b. Requirement to Attend Scheduled Meeting

If the applicant cannot attend the scheduled interview for the PHA or if the applicant fails to attend the scheduled appointment and does not contact the PHA in writing or by telephone to reschedule the appointment, the applicant will be dropped from the waiting list and may reapply at the next application intake date. A formal letter will be forwarded to the applicant informing of the removal from the waiting list for lack of responding to the initial and any rescheduled appointment.

c. Verification of Full Application Information

- (1) Information provided by the applicant will be verified including information documenting family composition, income, assets, allowances and deductions, preference status (if needed), full-time student status, and other factors relating to eligibility, to determine applicant eligibility before the applicant is issued a Voucher.
- (2) Third-party verifications in writing (sent by mail directly to the PHA) are

required. The PHA will retain the returned envelop in the tenant's file as proof of receipt of third-party documentation. Oral third-party verifications are acceptable if they are properly documented with details and a reason given as to why third-party written verification was not obtained.

- (3) If third-party verification is impossible to obtain, documentation will be placed in the tenant's file explaining why another method was used and other documents may be provided by the family. Documents will be photocopied when not prohibited by law. When documents cannot be photocopied, staff certification forms, noting documents viewed will be used by recording the source of information, the information obtained, and signed and dated by the staff person who viewed the document.

3. Final Determination and Notification of Eligibility

- a. Once a family has been determined to be eligible a Briefing Session will be scheduled to introduce the program requirements and helpful hints. At the end of the Briefing Session the eligible applicant will be issued their Voucher.
- b. If the family misses the scheduled Session a second and Final Briefing Session will be scheduled. If family does not appear for second and final session the voucher will not be issued and the family will be considered processed and removed from the waiting list. Family may reapply at the next available application intake.

4. Denial of Admissions

Denial of program assistance may be made for a PRE-applicant and participant for any of the following grounds:

- a. The family fails to supply any information that is determined necessary in the administration of the program;
- b. The applicant and participant provide information that is not true or complete;
- c. The applicant or family member(s) has been evicted from federally-assisted housing in the last three (3) years;
- d. If the PHA has ever terminated assistance under the voucher program for any member of the family for violation of the Family Obligations;
- e. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program;
- f. If the family currently owes rent or other amounts to the PHA or another PHA in connection with any HCV program(s) or Public Housing

Assistance under the 1937 Act;

- g. If the family has not reimbursed any PHA for amounts paid to an owner/landlord under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- h. If the family breaches an agreement to pay amounts owed to a housing authority or amounts paid to an owner/landlord by a housing authority; (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner/landlord by a PHA. The PHA may prescribe the terms of the agreement);
- i. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.
- j. If an applicant is a Sex Offender and/or required to be registered in a “State life-time sexual offender” registry, they will be determined ineligible.
- k. Any family member has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing (including the building or complex in which unit is located and associated common areas and grounds);
- l. The applicant does not meet the eligibility criteria (e.g. the family’s annual income exceeds income limits for a family of that size);
- m. Any adult member refuses to sign or submit required consent forms (non-citizen status, 9886).

5. Right to an Informal Review

The Informal Review process can be reviewed in greater detail in “Section XXI. Informal Hearing & Reviews”.

- a. Applicants who are denied Public Housing assistance are entitled to an informal review.
- b. Ineligible applicants will be promptly provided with a letter detailing their individual status, stating the reason for ineligibility, and offering them an opportunity for an informal review.
- c. Applicants must submit their request for an informal review in writing to the PHA within ten (10) calendar days from the date of the determination.

6. Right to an Informal Review

- d. Applicants who are denied Public Housing assistance are entitled to an informal review.
- e. Ineligible applicants will be promptly provided with a letter detailing their individual status, stating the reason for ineligibility, and offering them an opportunity for an informal review.
- f. Applicants must submit their request for an informal review in writing to the PHA within ten (10) calendar days from the date of the determination.

SECTION 4. RECORD OF APPLICATIONS AND WAITING LIST

The following are policies for documenting actions taken by PHA employees in processing applications for dwelling units.

A. Record of Applications

Each applicant's name will be placed on the PHA's Record of Applications (Community-Wide Waiting List), based on the date and time the application is received. The PHA will assure that at least forty percent (40%) of annual new admissions are families with incomes at or below thirty percent (30%) of local area median income (extremely low-income families). This includes families, who at the time of application are unable to provide evidence that they have any income. Annual family income, if any, will be recorded on the waiting list.

The PHA will indicate on the Record of Applications the applicant's name; date and time of application; race/ethnicity; whether the applicant is eligible or apparently ineligible; the date and time the applicant was offered a unit; the unit number and location; the date the applicant was assigned a unit, or the date the applicant rejected the assignment; and any circumstances pertaining to assignment of a unit, such as removing the applicant's name because the applicant requested it be done. Entry on the Record of Applications is also made, when the PHA makes a phone inquiry and/or sends a letter and determines that the applicant is no longer interested or the applicant no longer qualifies. Applicants on the waiting list shall contact the PHA every six (6) months to confirm interest, qualifications, and application renewal. In the months of June and December, applicants must come into the office to renew their applications. If they do not come in, their applications will be removed from the waiting list.

Consistent with the objectives of Title VI of the Civil Rights Act of 1964, other statutory requirements and HUD regulations and policies, the PHA will make offers from the Record of Applications only based on the date and time of application and bedroom size needed.

B. Organization of The Waiting Lists

1. The Record of Applications (Waiting List) will be organized in such a manner that the PHA can easily identify the date and time the application was submitted, the size and type of unit needed, and other decision-making factors.
2. The PHA will not solicit a statement from any applicant regarding his or her desire to live in a particular development or group of developments.
3. All waiting lists will be community-wide in scope, unless the PHA adopts a specific policy allowing designation and/or site-based waiting lists. Such a policy will be duly adopted by the Board of Commissioners and incorporated into this document by reference following a period of thirty (30) days posting.

4. The PHA may have one waiting list for developments for the elderly and another for general occupancy developments, provided it permits an elderly family to be listed on either or both lists, if unit size and type are appropriate.
 5. In order to achieve the PHA's goal of income targeting and income mixing, waiting list skipping and other incentives such as waiver of pet or security deposits, assignment of units based on one person per bedroom, etc., may be adopted by the PHA. A separate policy may be adopted by the Board of Commissioners of the PHA. If so, that policy will be incorporated into this document by reference.
- C. Updating the Waiting Lists
- a. The PHA may periodically update (purge) the waiting list to ensure that it is current and accurate.
 - b. The PHA may mail a letter to the applicant's last known address requesting information regarding their continued interest in maintaining a place on the waiting list.
 - c. Applicants will be given fifteen (15) calendar days from the date on the letter to return the notice of continued interest. The PHA does not accept responsibility for mail delays.
4. The PHA will not remove an applicant's name from the waiting list(s) unless:
 - a. The applicant requests that their name be removed;
 - b. The applicant has been clearly advised of a requirement to tell the PHA of the applicant's continued interest by a particular time, and failed to do so. This includes failing to notify the PHA of any changes in family status, preference status or address;
 - c. The PHA has made reasonable efforts to contact the applicant, to determine if there is continued interest, but the PHA has been unsuccessful in locating the applicant;
 - d. The PHA has made reasonable efforts to contact the applicant to schedule interviews necessary to complete the application process or to obtain information necessary to process the application, and the applicant has failed to respond; or
 5. Application and Removal from the Waiting List:
 - a. The PHA has notified the applicant of its intention to remove the applicant's name from the waiting list(s), because the applicant no longer qualifies for Public Housing;
 - b. The applicant fails to pay an outstanding balance owed to another PHA of the PHA from previous assistance tenure;
 - c. The applicant fails to meet any applicable home visit requirements;
 - d. The applicant fails to pay an existing utility balance resulting in denial of service by the utility supplier;

- e. The applicant fails to satisfy Tenant Selection Criteria as outlined in this policy; or
- f. The applicant was placed on the waiting list as having a disability solely related to drug or alcohol abuse. The PHA is prohibited from admitting a disabled person whose disability is solely related to substance abuse; or
- g. The applicant is removed from the waiting list based on the fact that the applicant family includes a household member subject to a lifetime registration under a state sex offender act.

The PHA will notify the applicant of the rejection, in writing, and advise him/her of their right to an informal meeting.

- 6. The PHA will take the following actions when up-dating the waiting list:
 - a. Mail a notice to each applicant on the waiting list advising them of the need to update their application and including an update form to be completed and returned to the PHA.
 - b. Applicants will have one week from receipt of the update notice to respond by mail or in person.
 - c. If applicants fail to respond to either the update letter or if the letter is returned postmarked by the post office as undeliverable, the PHA will withdraw their application.
 - d. If the reason an applicant does not respond to the PHA's attempt to contact him/her is related to a disability, the PHA will, as a reasonable accommodation, reinstate the applicant in their former position on the waiting list.

D. Closing the Waiting List

- a. The closing date of the Waiting List may be announced at the same time as the opening is announced. If notice is not placed at the same time of the opening, the PHA will give public notice by publication in a local newspaper of general circulation and post notice at main business office of the PHA at least 30 days in advance of Closing the Waiting List.
- b. The PHA may use the closing date to limit the size of the Waiting List to a number of applicants who will most likely receive assistance within a twelve (12) to eighteen (18) month period.

E. Applicant Files

The PHA will establish and maintain a file containing information on each applicant. Such files will be retained for at least three (3) years after the audited Public Housing Assessment System (PHAS) submission for that year.

Following a decision on acceptability of an applicant, the criminal background check and drug treatment program information will be removed and destroyed (shredded).

This procedure is subject to delay if the applicant requests an informal review with respect to denial of their application based on information received from either source. The PHA may retain the information until the statute of limitations passes for filing a civil lawsuit if the PHA believes there will be litigation.

Applications and material submitted by the family will be retained for a minimum of five (5) years if there is a U.S. Citizenship and Immigration Services (CIS) [formerly the Immigration and Naturalization Service (INS)] appeal and/or an informal hearing with the PHA concerning the citizen/non-citizen documentation.

The files will contain the following:

1. The original application for financial housing assistance;
2. The form completed by the family for income reexamination (HUD-50058);
3. Photocopies of any original documents, including original CIS documents. (Under no circumstances will photocopies of Federal checks be made or retained in applicant/resident files.);
4. The signed verification consent form(s);
5. The Systematic Alien Verification for Entitlements (S.A.V.E.) verification results (both primary and, if applicable, secondary);
6. The request for a S.A.V.E appeal;
7. The final S.A.V.E. determination;
8. The request for a PHA informal hearing; and
9. The final PHA informal hearing decision.

SECTION 5. BASIC ELIGIBILITY REQUIREMENTS

To be eligible for PHA dwelling units, applicants must meet certain basic requirements concerning familial status, and background. These requirements are outlined below.

A. General Eligibility Requirements

The PHA will determine whether an applicant for participation in the low-rent housing program qualifies as a family, is income-eligible, disclosed and verified Social Security Numbers, is a U.S. Citizen or National or meets eligible non-citizen immigration status, and has no history of drug/alcohol abuse and/or record of violent crime.

1. Definition of a Family

The applicant must qualify as a family. A family may be a single person, 18 years of age or older, or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. A family may include:

- Two or more persons who are related by blood, marriage, or operation of law;
- Two or more persons who are not related by blood, marriage, adoption, guardianship or operation of law, but are regularly living together, can verify shared income or resources over a period of at least one year, and who will continue living together in PHA housing;
- The term family also includes, but is not limited to:
 - a family with or without children;
 - a single pregnant female, 18 years of age or older;
 - an elderly family (age 62 or older, with or without dependent minors);
 - a disabled family (head or spouse);
 - a displaced family;
 - the remaining member of a resident family;
 - a single person, 18 years of age or older, who is not elderly, displaced or a person with disabilities, or the remaining member of a resident family;
 - two or more elderly or disabled persons living together;
 - one or more elderly or disabled persons living with one or more live-in aides;
 - two or more near elderly or disabled persons living together; or
 - one or more near elderly or disabled persons living with one or more live-in aides.
- Disabled family means a family whose head, spouse, or sole member is a person with disabilities as defined in 42 U.S.C. 423.

- The temporary absence of a child from the home due to placement in foster care for a period anticipated to be less than twelve months shall not be considered in determining the family composition and family size.

2. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide:

The live-in aide must submit information as requested and be reviewed by management for eligibility under the Tenant Selection Criteria of this policy, including the criminal background check. If the PHA determines an individual proposed as a live-in aide to be ineligible, the resident or applicant may propose an alternate live-in aide for screening or may appeal the PHA's determination to a review officer.

A live-in aide who has been approved for occupancy by management is added to the lease by means of a live-in aide amendment. This amendment specifically states that a live-in aide does not have rights to occupy a PHA unit as the Remaining Member of a Tenant Family if the primary resident vacates the unit or dies.

The primary resident is responsible for all acts of all household members with respect to the requirements of the dwelling lease. Any violation of lease provisions by the live-in aide may be cause for eviction of the household.

3. Income Eligibility

- a. Overall Income Eligibility for Admission - No family other than a low-income family as defined in regulations is eligible for admission to Low-Rent Public Housing units. An exception to this regulation may be made by PHAs with 250 or fewer units if they have no eligible applicants and advertising does not result in additional eligible applicants. At least forty percent (40%) of new admissions annually must be extremely low-income families (families whose incomes fall at or below 30% of the local area median income). This includes families who at the time of application and/or admission have no countable income. See Section 7. Applicant Screening and Denial of Admission, for procedures applicable to applicants reporting "zero" income.
- b. Family Income - A family's annual income, at the time of admission, may not exceed the income limits established by HUD and published in the Federal Register applicable to the PHA's jurisdiction. (See Appendix D).

Family Income After Admission - In compliance with the Housing Opportunity Through Modernization Act (HOTMA), HUD has established rules governing public housing residents with incomes exceeding the HUD-issued over-income limits (defined as 120% of

the Area Median Income (AMI)). The law requires that after a family's income has exceeded the over income (OI) limit defined at 24 CFR 960.102. The OI limit is determined by multiplying the applicable income limit for a very low-income (VLI) family by a factor of 2.4. If the family is determined to be OI, 120% of the AMI for two consecutive years, the PHA must charge a monthly rent equal to the Fair Market Rent or the amount of monthly subsidy for the unit including amounts from the operating and capital fund as determined by regulations (whichever is greater), or terminate the family's tenancy within 6 months of the end of the 2 year period.

- If at any time, the PHA becomes aware through an annual reexamination or interim reexamination that the family's income exceeds the over-income limit, this is the point at which the two-year clock (2 consecutive years) begins for the family.
- If the discovery is found at regular annual reexamination, the PHA will make a note in the family's file that their income exceeds the over-income limit and they will be checked again at their next regularly scheduled annual reexamination (in 12 months).
- If the discovery is found at an interim reexamination, the PHA will change the effective date of the next annual reexamination so that the family will be recertified in 12 months to determine if their income still exceeds the over-income limit.
- At the 12-month recertification, if the family's income still exceeds the over-income limit, written notice will be sent to the family stating that, if at the end of the next twelve months, their income still exceeds the over-income limit, they will be notified: given the choice of:
 1. Paying an alternative market rent based on the full Fair Market Rent or the amount of monthly subsidy for their public housing unit (whichever is higher); or
 2. Termination/Moving out of their public housing unit within the following six months. Note: Notice requirements can be found on page 22 of this policy.
- If the family fails to comply within the six month period, the PHA will begin the process of lease termination and eviction.
- If the family opts to stay in the public housing unit and pay the alternative rent, then at future re-certifications, the rent will track any changes in the applicable Fair Market Rent or HUD-determined subsidy amount for the unit.
- Temporary Income Decrease - If a family requests an interim reexamination because their income has decreased and the PHA determines that the income no longer exceeds the over-income

limit, the family is then treated as a regular public housing resident for purposes of rent determination. If the PHA becomes aware through a subsequent annual or interim reexamination that the family's income has again increased to an amount that exceeds the over-income limit, the family will begin a new two-year clock.

- All notices and other correspondence with resident families will be in the applicable language requested by the family and/or form of communication requested by a resident with a disability.

Generally, the PHA will complete verification of income approximately 60 days prior to the family being offered a unit. However, any change in income, family size or composition can occur during the period of time between the verification and the offer of housing. Since such changes can affect eligibility, the family must immediately report such changes so that the correct rent and unit size can be determined.

- c. The PHA shall comply with HUD prescribed reporting requirements so that HUD may maintain reasonably current data. Records of admissions of low-income families will be maintained by the PHA to ensure that admission requirements and targets are met.
- d. The PHA shall comply with the Annual or Interim The PHA will not commence eviction proceedings, or refuse to renew a lease, based on the income of the resident family unless:
 - (1) It has identified, for possible rental by the family, a unit of decent, safe, sanitary, in good repair, of suitable size, available at a rent not exceeding the Tenant Rent; or
 - (2) It is permitted to do so by state or municipal law.

4. Background

Denial of Admissions

- a. Prohibiting Admission of Persons Terminated for Drug-Related Criminal Activity

The PHA prohibits admission to the program of an applicant for three (3) years from the date of termination if a household member has been terminated from federally assisted housing for drug-related criminal activity. However, the PHA may admit the household if the PHA determines:

- (1) that the household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
- (2) that the circumstances leading to termination no longer exist. (For example, the criminal household member has died or is imprisoned.)

b. A household shall be denied admission if:

- (1) any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.
- (2) has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing (including the building or complex in which the unit is located and associated common areas and grounds).

c. Households shall be denied admission for five (5) years after the date of the most recent conviction if any household member is convicted of a drug-related criminal activity, violent criminal activity, other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent), or pattern of alcohol abuse. A “pattern” shall be at least three alcohol-related criminal offenses within the five (5) year period prior to application for assistance.

d. The following are standards to be applied as appropriate, for drug-related criminal activity and other criminal activity concerning denial of admission:

- (1) The PHA may determine the use of an illegal drug through a conviction of a drug-related charge.
- (2) The PHA shall determine involvement in criminal activity through the conviction for a criminal activity.
- (3) Any household member includes adults and minors who are on the lease or who are living in the household, but not reported to the PHA.
- (4) Currently engaging in illegal use of a drug or other criminal activity shall be defined as a conviction within one year from the date the PHA discovers the conviction.
- (5) Reasonable cause shall be determined by a conviction on an illegal use of a drug charge or other criminal activity.
- (6) There is no time period concerning the conviction of a drug-related charge for manufacturing, production, or distribution of methamphetamine on the premises of federally assisted housing. Such household members being convicted of this offense will always be denied admission.
- (7) The time period of ineligibility for admission for other drug-related convictions or other criminal activity convictions shall be five (5) years

from the date of the conviction.

(8) If the PHA previously denied admissions for criminal activity, the PHA elects not to consider evidence that a household member was not engaged in criminal activity for a period of time. The household shall not be eligible for admission for five (5) years from the date of the conviction.

(9) Evidence of criminal activity shall be defined as conviction of criminal activity.

5. Social Security Numbers

Social Security verification requirements are outlined in 24 CFR Part 5.210-5.238 - Disclosure of Social Security and Employer Identification Numbers.

All family members age six (6) and over must disclose all Social Security numbers assigned to them by the Social Security Administration. This includes any numbers assigned to applicant/participant family members under any other names. As minor family members reach the age of six (6), the family must provide assigned numbers within ninety (90) calendar days. Extensions may be granted, provided the family can provide evidence that the number has been applied for in a timely manner.

New family members over the age of six (6) added after admission are required to disclose Social Security numbers at the time of initial screening or annual re-examination, whichever comes first.

Elderly family members are required to provide their Social Security numbers and may be granted a sixty (60) day extension if needed for them to provide verification of their numbers.

Should a family member not have a Social Security number, they must certify that they do not, in fact, have a number.

The PHA will require the applicant to bring the original Social Security Cards as verification. The PHA will accept copies only when it is necessary to verify the continuing eligibility of participant families by mail.

If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his/her Social Security Number (SSN) may be used for verification. The PHA may require the family member(s) to provide one or more of the following alternative documents to verify the SSN, until a valid Social Security card can be provided:

These documents include but are not limited to:

- Driver's license that displays the SSN;
- Identification card issued by a Federal, State or local agency;
- Identification card issued by an employer or trade union;

- Identification card issued by a medical insurance company;
- Earnings statements or payroll stubs;
- Bank statements;
- IRS Form 1099 or W-2 Form;
- Benefit award letters from government agencies;
- Medicaid Cards;
- Unemployment benefit letter;
- Life insurance policies;
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records;
- Verification of Social Security benefits with the Social Security Administration (SSA).

If the PHA verified Social Security benefits with the SSA, the acceptance of the SSN by the SSA will be considered documentation of validity.

Failure to disclose all Social Security numbers, as required certify that a family member does not have a number, is cause for denial of admission or termination of assistance, subject to the family's right to an informal review or hearing.

6. Since HUD cannot divulge Federal tax return data from the Internal Revenue Service (IRS) except to the residents themselves, HUD will provide the PHA with a list of the residents to whom it has sent income discrepancy letters.
7. With respect to families no longer in occupancy, the PHA will pursue abuses regarding a resident's receipt of excess rental assistance by reporting the deficiency of payments to credit bureaus, if practical, and recover such amounts as PHA resources permit.
8. Authorization for the Release of Information/Privacy Act Notice

Each member of the applicant family who is eighteen (18) years of age or older, will sign an Authorization for the Release of Information/Privacy Act form (HUD-9886) annually authorizing HUD and the PHA to request information from specified sources necessary to verify the household's income. A household member who turns 18 during the year will be required to sign a HUD-9886 at the family's next annual or interim recertification.

9. The applicant family must not maintain another residence in addition to the PHA unit.

U.S. Citizen, U.S. National or Eligible Non-citizen Immigration Status:

All applicants for public housing who are admitted after June 19, 1995, must meet the following requirements:

1. For a U.S. Citizen: sign a declaration of U.S. Citizenship or status as U.S. National;
2. For non-citizens who are sixty-two (62) years of age or older or who will be sixty-two (62) years of age or older and receiving assistance under a Section 214 covered program on September 30, 1996 or applying for assistance on or after that date, the evidence consists of:
 - a. A signed declaration of eligible immigration status; and
 - b. Proof of age document.

The PHA will require verification of this certification for all declarations submitted after November 26, 1996.

3. If a non-citizen:
 - a. A signed declaration of eligible non-citizen immigration status;
 - b. Provide original documents which verify status; and
 - c. Sign a verification consent form.
4. All declarations submitted after November 26, 1996 will be verified.

Every adult family member must sign either a declaration of U.S. Citizenship or eligible immigration status. For each child, an adult who is responsible for the child and who is residing in the assisted dwelling unit, must sign a declaration. The family must identify in writing, any household members who do not claim to have eligible status.

B. Delay of Assistance to Applicant

Housing Assistance to an applicant family may not be delayed or denied based on delays by the PHA, HUD, or CIS. However, the PHA may delay or deny assistance to a family until at least one family member has been determined eligible for assistance.

1. Delay to an applicant is permissible after the conclusion of the CIS appeal process but assistance is not denied until the conclusion of the PHA informal hearing process if the informal hearing is requested by the family.
2. Other events causing denial of assistance are:
 - a. Evidence of citizenship (i.e., the declaration) or eligible immigration status is not submitted by the date specified in the written notice or by the expiration of any extension granted in accordance with a written notice of an extension period; or
 - b. Evidence of citizenship or eligible immigration status is timely submitted, but CIS primary and second verification does not verify

eligible immigration status of a family member; and

- (1) The family does not pursue CIS appeal or PHA informal hearing rights as provided in this section; or
- (2) The CIS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

3. A notice of denial or termination of assistance shall inform the family:

- a. that financial assistance will be denied or terminated with the reasons for the denial or termination;
- b. that they may be eligible for prorated of assistance;
- c. that they have the right to request an appeal to the CIS of the results of the secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal in accordance with CIS appeal procedures to CIS;
- d. that the family has the right to request an informal hearing with the PHA within fourteen (14) days either upon completion of the CIS appeal or in lieu of the CIS appeal; and
- e. that the PHA will inform the family that the McAllen Housing Authority cannot overrule the CIS decision regarding eligible immigration status.

D. Appeal to the U.S. Citizenship and Immigration Services (CIS)

1. Submission of the request for appeal: Upon receipt of notification by the responsible entity that CIS secondary verification failed to confirm eligible immigration status, the responsible entity shall notify the individual or family of the results of the CIS verification. After notification of the CIS decision on appeal, or in lieu of an appeal request to the CIS, the individual or family may request that the responsible entity provide a hearing. This request must be made either within thirty (30) days of receipt of the notice described in paragraph (d) of section 5.514, or within thirty (30) days of receipt of the CIS appeal decision issued in accordance with section 5.514(e). The family shall make the request for an appeal by communicating that request in writing directly to the CIS. The family must provide the responsible entity with a copy of the written request for appeal and proof of mailing. For good cause shown, the responsible entity shall grant the family an extension of the time within which to request an appeal.
2. Documentation to be submitted as part of the appeal to CIS. The family shall forward to the designated CIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the CIS document verification request form G-845S (used to process the secondary verification request) or such other form specified by the INS to record immigration status verification results. The PHA will

provide the family a copy of the G-845S that documents the ineligible status of a family member.

3. Decision by CIS

- a. When the decision will be issued: The CIS will issue to the family, with a copy to the responsible entity, a decision within thirty (30) days of the receipt of documentation concerning the family's appeal of the verification of immigration status. If, for any reason, the CIS is unable to issue a decision within the thirty (30)-day time period, the CIS will inform the family and the responsible entity of the reasons for the delay.
- b. Notification of the CIS decision and of informal hearing procedures: When the PHA receives a copy of the CIS decision, the PHA shall notify the family of its right to request an informal hearing on the PHA's ineligibility determination in accordance with the informal hearing procedures previously noted if the family has not been admitted. If the family has been admitted, pending all appeals, the grievance procedure will be used for the appeals process.

4. There will be no delay, denial or termination of assistance until completion of the CIS appeal process and/or the PHA appeal of a family member's ineligible status is completed.

E. Non-Eligible Immigration Status

Individuals who contend not to have eligible immigration status must identify themselves to the PHA that they elect not to provide documentation of eligible immigration status or sign a declaration of eligible non-citizen immigration status. However, family members must identify in writing to the PHA, the family member (s) who will elect not to contend having eligible status. Family members who elect not to provide documentation concerning eligible non-citizen immigration status shall be required to comply with other program requirements or assistance may be denied to the entire applicant family.

If a family member has chosen not to contend to have eligible immigration status, the PHA may admit the family under Prorated Assistance. See the section noted Prorated Assistance to determine how the family's rent will be calculated.

SECTION 6. SELECTION POLICIES AND PREFERENCE SYSTEM

In selecting applicants for dwelling units, personnel will be guided by the following requirements. It is also the PHA's policy that having a pre-application on file or being on the waiting list does not guarantee any applicant admission to the housing program. Those policy requirements are presented below.

A. Policy Requirements

These selection and preference policies are designed to:

1. Assure that selection by the PHA among otherwise eligible applicants is objective and reasonable;
2. Provide that a family that is on the Section 8 waiting list will not lose its place on that waiting list by applying for admission to the public housing developments;
3. Be consistent with the PHA's responsibilities as a public body; and
4. Be in compliance with state, local and Federal laws and regulations, including the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, the provisions of the Annual Contributions Contract between HUD and the PHA, and 24 CFR Part 5.210-5.238, "Disclosure and Verification of Social Security Numbers and Employer Identification Numbers by Applicants and Participants in Certain Housing Assistance Programs."
6. Such policies and procedures will:
 - a. Be duly adopted;
 - b. Be publicized by posting copies in each office where applications are received, and by furnishing copies to applicants or residents upon request;
 - c. Be specific and describe in detail the criteria and standards to be applied; and
 - d. Provide for verification and documentation of information relevant to the acceptance or rejection of an applicant.
7. Requirements or preferences for those living in the jurisdiction of the PHA at the time of application are permissible, subject to the following:
 - a. Requirements or preferences may not be based upon the identity or location of the housing which is occupied or proposed to be occupied by the applicant, nor upon the length of time the applicant has resided in the jurisdiction;
 - b. Applicants who are working or who have been notified that they are hired to work in the jurisdiction will be treated as residents of the jurisdiction;

- c. A residency preference may not have the “purpose or effect” of delaying or otherwise denying admission to a development or unit based on the race, color, ethnic origin, gender, religion, disability or age of any applicant family member;
- d. “Residency Preference” refers to admission of persons who reside in a specified geographic area which may not be an area smaller than a county or municipality.

B. Local Preferences

The Housing Quality and Work Responsibility Act of 1998 permanently eliminated the Federal preference requirement.

The PHA will select and house residents in accordance with the following priorities, in the order listed:

1. Date and Time of Application

Applicants who meet all the eligibility requirements will be assisted according to the date and time of application.

SECTION 7. APPLICANT SCREENING AND DENIAL OF ADMISSION

In screening applicants, the PHA employees will follow PHA policies and procedures and verify all information submitted by applicants. (See Section 8. Verifications for Eligibility, Income, and Rent Calculations.) The following outlines the actions to be taken in this process.

A. Applicant Screening

1. The resident selection criteria established and the information to be considered by the PHA, will be reasonably related to the individual attributes and behavior of an applicant, and will not be related to those which may be imputed to a particular group or category of persons of which an applicant may be a member.
2. The criteria established in relation to avoiding the concentration of families with serious social problems in PHA developments, and the information to be considered, will be reasonably related to whether the conduct of the applicant in present or prior housing has been such as would not be likely to interfere with other residents by adversely affecting their health, safety or welfare, or affect adversely the physical environment or financial stability of the development if the applicant were admitted. Relevant information concerning the habits or practices to be considered may include, but is not limited to:
 - a. Past performance in meeting financial obligations, especially rent, and prior rental history with the PHA, if applicable;
 - b. Rental history from previous owners/landlords or another PHA;
 - c. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents;
 - d. Information from personal references;
 - e. Information from previous owners/landlords concerning housekeeping that would create health or sanitation problems;
 - f. A history of criminal activity involving drug-related activity, a pattern of alcohol abuse, crimes of physical violence to persons or property, or other criminal acts which would adversely affect the health, safety or welfare of other residents;
 - g. A conviction for manufacturing or producing methamphetamine (speed). These individuals will be permanently barred from public housing;
 - h. Eviction from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity. These individuals and their families are ineligible for admission to public housing for a three (3)-year period beginning on the date of such eviction.

The PHA may waive this requirement if:

- The person demonstrates successful completion of a rehabilitation program approved by the PHA; or
 - The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.
3. Applicants must conform to the occupancy standards on family size, family composition, and extenuating circumstances discussed in Section 12 Occupancy Standards.
 4. The PHA will use up-front or third-party verification of all information. If such up-front or third-party documentation is not available, the reason must be documented in the file.
 5. The family will also submit, directly to the PHA, all documentation required for purposes of determining or auditing a family's eligibility to receive housing assistance, for calculating the family's adjusted income or Tenant Rent, for verifying related information, or for monitoring compliance with equal opportunity requirements.
 6. Home Visits

The PHA may conduct a home visit to consider whether the conditions they observe are the result of the resident's treatment of the unit or are caused by the unit's overall substandard condition. The PHA will give at least two (2) days' written notice to all applicants or residents. Reasons for a home visit may include, but not be limited to, the following circumstances:

- a. Conflicting or negative rental history received from previous landlords;
- b. Conflicting or negative information received from personal references;
- c. Applicant provides no previous rental references;
- d. Applicant provides only related personal references; or

B. Consideration of Favorable Factors

In the event unfavorable information with respect to an applicant is received, the PHA will give consideration to the time, nature, and extent of the applicant's conduct, and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects, including:

1. Evidence of successful completion of an appropriate rehabilitation program, for drug or alcohol-related problems (requiring certification from

a health professional, or State certified program). The applicant or family may be required to provide evidence of otherwise being rehabilitated successfully (i.e., participation in AA, ALANON, or other drug/alcohol support group);

2. The seriousness of the offending action;
3. The effect on the community of denial or the failure of the PHA to take such action;
4. The extent of participation by the leaseholder in the offending action;
5. The effect of denial of admission on household members not involved in the offending action;
6. The demand for assisted housing by families who will adhere to lease responsibilities;
7. The extent to which the applicant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
8. The effect of the PHA's action on the integrity of the program;
9. The willingness of the applicant to exclude the offending household member in order to be admitted to the housing program, where the identified member has participated in or been culpable for action or failure to act that warrants denial;
10. Evidence of the applicant family's participation in or willingness to participate in social services or other appropriate counseling programs, and the availability of such programs; and
11. Evidence of the applicant family's willingness to attempt to increase family income, and the availability of training or employment programs in the locality.

C. Denial of Admission

The PHA has established standards that prohibit admission of a household to the PHA's public housing program for certain drug and criminal activities. In developing these standards, the PHA may elect to deny admission for criminal activities in addition to those required by statute, it may elect longer periods of time for denial than required by statute, and it may consider rehabilitation, participation by household members and other extenuating circumstances when unfavorable information is received. All standards shall be applied uniformly.

1. Pursuant to 24 CFR Part 960.204 the PHA must deny admission to:
 - a. Persons evicted from federally-assisted housing for drug-related

criminal activity for three (3) years from the date of eviction; (See Definition of federally-assisted housing.)

A PHA may admit the household if the PHA determines:

- (1) The evicted household member who engaged in the drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
 - (2) The circumstances leading to the eviction no longer exist (for example, the responsible household member has died or is imprisoned).
- b. Persons currently engaging in illegal use of a drug or where PHA determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - c. Persons who have ever been convicted for manufacture or production of methamphetamine on the premises of federally assisted housing; (See Definitions to determine federally-assisted housing).
 - d. Persons subject to a lifetime registration requirement under a State sex offender registration program. This check must be carried out with respect to the State in which the housing is located and in States where members of the applicant household are known to have resided;
 - e. Persons that abuse or show a pattern of abuse of alcohol that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
2. In adopting local standards, supportive of or in addition to the mandated reasons for denial of admission, the PHA may:
- a. Require an applicant to exclude a household member in order to be admitted to the housing program where that household member has participated in or been culpable for actions that would require denial under one of the mandatory reasons for denial;
 - b. Continue that prohibition for a longer period of time where a statute states that admission be denied for a required period of time. (for example, 3 years after being evicted from federally-assisted housing for drug-related criminal activity);
 - c. Consider a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents;
 - d. Consider a history of criminal activity involving drug-related activity, a pattern of alcohol abuse, crimes of physical violence to persons or property, or other criminal acts which would adversely affect the health, safety, or welfare of other residents; and;
 - e. Request information from a drug abuse treatment facility to

determine whether the drug abuse treatment center has reason to believe that the household member is currently engaging in illegal drug use.

D. Falsified or Misrepresented Information

If the PHA determines that an applicant has falsified or misrepresented family income, composition, circumstances, conduct or behavior, the PHA will, on the basis of such falsification or misrepresentation, find the applicant ineligible for admission to a PHA dwelling unit. In justifiable cases, the PHA may take such other action as deemed advisable.

E. Mitigating Circumstances

Screening applicants who claim mitigating circumstances:

1. If unfavorable information about an applicant is received, the applicant will be provided an opportunity to present mitigating circumstances. The PHA will consider the time, nature, and extent of the applicant's conduct. These mitigating circumstances must be verifiable.
2. Mitigating circumstances are facts relating to the applicant's unsuitable rental history or behavior which, when verified, would indicate both: (a) the reason for the unsuitable behavior and (b) that the reason for the unsuitable rental history or behavior no longer applies or is under control and the applicant's prospect for lease compliance is an acceptable one, justifying admission. Such mitigating circumstances would overcome or outweigh information already gathered in the screening process.
3. If the mitigating circumstances relate to a change in disability, medical condition or course of treatment, the PHA shall have the right to verify the information or to request further information which is reasonably needed to verify the mitigating circumstances, even if such information is of a medically confidential nature.
4. Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission.

SECTION 8. VERIFICATIONS FOR ELIGIBILITY, INCOME AND RENT CALCULATIONS

A. General Requirements

The verification requirements described in this section are applicable to initial screening for eligibility, initial certification, interim and annual recertification.

1. The PHA will use up-front or third-party verification of all information. Two (2) documented attempts to obtain third-party verification should be made before another form of verification is used. The PHA will send verification forms in the mail along with a request that the form be returned by fax or mail. If up-front or third-party documentation is not available, the reason must be documented in the file.
2. While there is no regulatory limit on the acceptable age of verifications in the public housing program, PHAs historically use only verified information that is less than ninety (90) days old on the effective date of admission or recertification. Verified information obtained after application intake that is less than ninety (90) days old need not be re-verified. Verifications may be extended for an additional thirty (30)-days with a telephone update. (A record of the update, including the name and title of the individual contacted, must be placed in the applicant's file.) Verified information not subject to change (such as a person's date and place of birth) need not be re-verified.
3. Information obtained that is subject to change and for which verifications are more than ninety (90) days old, should be re-verified. HUD requires that verification forms to support PHA's admission decisions be placed in the applicant (and subsequently, the tenant) files. Information that is subject to change, such as income, assets, family composition, etc. should be verified close to certification or recertification. Preferences must be verified once, just before admission. It is up to the PHA to decide the acceptable term of the verification and whether re-verifications are needed.

B. Tiers of Verification Acceptable to HUD

Information will be verified in order through the five tiers of verification listed below.

1. Up-front Income Verification

The PHA will utilize up-front enterprise income verification (EIV) as it becomes available. The PHA will perform the computer matching prior to the certification or recertification interview. Information obtained through EIV will be compared to documents provided by the family. When there is a substantial difference (substantial difference is defined as a difference of more than \$200 per month), the PHA will resolve the discrepancy by contacting the source of the income directly. When there is not a substantial difference the

PHA will use the higher of income verified through EIV or documents provided by the family. The PHA will begin using EIV when notified of the availability by HUD. [Under HUD HOTMA final rule, the PHA will use EIV for income verifications for annual reexaminations and may \(at the PHA discretion\) use EIV for income verifications during interim reexaminations, if necessary.](#)

Where available, computer matching may be done utilizing the following sources:

- a. The New Hire Directory;
- b. The Work Number (or similar sites) for employment verifications; or

2. Third-Party Written Verification

Written third-party verification is required to substantiate representations made by an applicant or resident for factors affecting income and rent.

Verifications received through the US mail, personally hand delivered by the third-party, or received electronically via fax or e-mail directly from the source are considered third-party written verifications.

As Up-front income verification is received from an independent source it meets the requirement for third-party written verification.

Third-party verification forms will not be hand carried by the family under any circumstances.

The applicant/participant never touches the verification. The source providing the information returns it by mail, by fax or in person.

In the event the third-party has not responded within ten (10) business days after sending out the second written request for verification, document the supplemental data sheet and proceed to contact the appropriate parties by telephone to obtain the required information.

3. Third-Party Oral Verification

Telephone verifications may be used to substantiate representations made by an applicant or resident when two documented attempts to obtain third-party written verifications have been made without success.

Third-party oral verification will be used when the PHA has documented that third-party written verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a verification form noting with whom they spoke, the date and any facts provided during the conversation. Each question on the original verification form will be asked.

Information obtained from third-party contacts will be compared to any documents provided by the family. If third-party oral verifications are obtained via telephone, the PHA MUST originate the call. Document each attempt to obtain third-party oral verification.

4. Review of Documents

Verifications delivered to the PHA by the applicant/resident ARE NOT third-party verifications. On a provisional basis, the PHA may review documents provided by the applicant/resident as verification when the PHA is unable to obtain third-party verification. Before review of documents is accepted as the sole source of verification, the PHA will document the file as to why third-party written or third-party oral verification was not obtained.

Original authentic documents provided by the family may be used when third-party verification is not available or has not been received within 15 days, if the documents provide complete information.

Original computerized printouts from the following organizations will be accepted as participant provided documents when the PHA cannot obtain third-party written verification:

- a. Social Security Administration;
- b. Veterans Administration;
- c. Welfare Assistance;
- d. Unemployment Compensation Board;
- e. City or County Courts; and
- f. Child Support Enforcement Agency.

All such documents will be photocopied and retained in the applicant's file. In cases where documents are viewed which cannot be photocopied, staff viewing the documents will complete a Documents Viewed Form. All copies of original documents will be marked "Copied from Original."

The following documents may be accepted from the family provided that the document is such that tampering would be easily noted:

- a. Six (6) consecutive wage payment stubs (originals only);
- b. Computer printouts from:
 - Employer;
 - Social Security Administration;
 - Veterans Administration;
 - Welfare Assistance;
 - Unemployment Compensation;
 - City or County Courts; and
 - Child Support Enforcement Agency.
- c. Signed Letters (provided the information is confirmed by phone).

The PHA will accept faxed documents only if they contain contact information for verification of authenticity. Photocopies will not generally be accepted.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the third-party verification will be used.

5. Self-Certification/Self-Declaration

The PHA will accept a certification/self-declaration only when no other form of verification is available. A certification/self-declaration, as used throughout this Policy, means a sworn affidavit witnessed under penalty of perjury. The PHA may attempt to verify the information contained in the certification/self-declaration.

Under HOTMA, self-certification for net assets will be accepted when a family's net assets are estimated to be at \$50,000 or less, with that amount adjusted annually by the CPI-W inflationary factor (Consumer Price Index for Urban Wage Earners and Clerical Workers).

Self-certification may be accepted for assets disposed of within the two years prior to certification. Self-certification is not allowed for currently held assets.

C. Information to be Verified

1. Zero and/or sporadic income status of household. Zero and/or sporadic income applicants and residents will be required to complete a family expense form at each certification or recertification. Every zero and/or sporadic income resident will be required to attend a face to face interim recertification every ninety (90) days.
2. Full-time student status including High School students who are 18 or over.
3. Current assets including assets disposed of for less than fair market value in the preceding two years.
4. Childcare expenses when it allows an adult family member to be employed, look for work, or further his/her education.
5. Total medical expenses of all family members in households whose head, spouse, or co-head is elderly or disabled.
6. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow any adult family member, including the person with the disability, to be employed.
7. Legal identity. For security reasons, verification of legal identity may include a digital photo of every adult household member uploaded into the PHA's housing management software and participant's digital profile at the

discretion of the PHA.

8. U.S. citizenship/eligible immigration status.
9. Social Security Numbers for all family members 6 years of age or older.
10. Familial/Marital status when needed for head, spouse, or co-head definition.
11. Disability for determination of allowances, deductions or requests for accommodation including need for a live in aide.
12. Time spent seeking employment when childcare is claimed for the activity.
13. All sources of income.

D. Release of Information

As a condition of admission to, or continued occupancy of, any assisted unit, the PHA will require the family head and such other family members eighteen (18) years of age and older to execute a HUD-approved release and consent form authorizing any depository or private source of income, or any Federal, state or local agency, to furnish or to release to the PHA and to HUD such information as the PHA or HUD determines to be necessary. This includes a consent form for release of criminal/sex offender status information signed by each adult household member. The PHA will furnish applicants and participants a Release of Information/Privacy Act Notice [HUD-9886 (7/94)] when collecting information to verify income. Refusal to cooperate with the HUD prescribed verification process as outlined in this policy and HUD regulations will result in denial of admission or termination of tenancy. [As per HOTMA regulations, effective January 1, 2024, a participant or applicant in the Public Housing program must sign and submit consent forms at their next interim or regularly scheduled income reexamination. After all applicants or participants over the age of 18 in a family have signed and submitted a consent form, they are not required to submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances:](#)

- [When any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form.](#)
- [When a member of the family turns 18 years of age, that family member must sign and submit a consent form.](#)
- [Any other instance as required by HUD or the PHA in administrative instructions.](#)

E. Authority to Obtain Criminal History Records

The PHA is authorized by 24 CFR part 5, subpart J to obtain criminal conviction records from a law enforcement agency and to use those records to screen

applicants for admission to covered housing programs and for lease enforcement or eviction of families residing in public housing.

24 CFR part 5, subpart J, §5.905 states that a PHA that administers a public housing program must carry out background checks necessary to determine whether a member of a household applying for admission to any federally-assisted housing program is subject to a lifetime sex offender registration requirement under a State sex offender registration program.

F. Permitted Use and Disclosure

The use and disclosure of criminal records/sex offender registration records received by the PHA only applies to applicant screening and/or lease enforcement and eviction activities. The PHA may disclose criminal conviction records as follows:

1. To officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information. For example, if the PHA is seeking to evict a public housing resident on the basis of criminal activity/sex offender status as shown in criminal conviction records, the records may be disclosed to PHA employees performing functions related to the eviction, PHA attorney processing an eviction action or to the PHA hearing officer conducting an administrative grievance hearing concerning the proposed eviction.
2. If the PHA obtains criminal records from a State or local agency showing that a household member has been convicted of a crime relevant to applicant screening or tenant lease enforcement or eviction, the PHA must:
 - Notify the head-of-household of the proposed action based on the information obtained; and
 - Provide the subject of the record and the applicant or resident (head-of-household) a copy of such information and an opportunity to dispute the accuracy and relevance of the information.

Note: This opportunity must be provided before a denial of admission, eviction or lease enforcement action on the basis of such information.

3. Any other negligent or knowing action that is inconsistent with the statute or regulations. Conviction for a misdemeanor and imposition of a penalty of not more than \$5,000 is the potential for:
 - Any person, including an officer, employee, or authorized representative of a PHA who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of the PHA under false pretenses;
 - Any person, including an officer, employee, or authorized representative of a PHA who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive the

information.

4. A PHA may be liable under civil law to any applicant for, or resident of the PHA who is affected by either of the following:
 - A negligent or knowing disclosure of criminal records information obtained under statutory authority about such person by an officer, employee, or authorized representative of a PHA if the disclosure is not authorized under the statute or regulations;
 - An applicant for, or resident of the PHA may seek relief against the PHA for inappropriate disclosure by bringing a civil action for damages and such other relief as may be appropriate. The United States district court in which the applicant or tenant resides, in which the unauthorized action occurred, or in which the officer, employee, or representative of a PHA alleged to be responsible resides, has jurisdiction. Appropriate relief may include reasonable attorney's fees and other litigation costs.

G. Receipt of Information from Law Enforcement Agencies

When the law enforcement agency/state registration entity receives the PHA's request, the agency must promptly release to the PHA a certified copy of criminal conviction records concerning the household member they have in their possession or under their control. National Crime Information Center (NCIC) records must be provided in accordance with NCIC procedures.

The law enforcement agency may charge a reasonable fee for this service but any fee charged by that agency for this service may not be passed on to the applicant.

H. Records Management

The PHA has established and implemented a system of records management that ensures that records received from a law enforcement agency are:

- Maintained confidentially;
- Not misused or improperly disseminated; and
- Destroyed once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

The records management requirements do not apply to sex offender registration information that is public information or is obtained by the PHA other than from a State or local agency responsible for the collection or maintenance of such information.

I. Verifications through Drug Treatment Centers

Verification of continued drug dependency will result in denial of admission to public housing. The PHA may verify drug-free status of applicants through drug-treatment centers as follows:

1. The PHA may require each applicant to submit one or more consent forms for all household members who are at least eighteen (18) years of age or older and for each head or spouse, regardless of age, that:
 - a. Requests a drug abuse treatment facility to inform the PHA only whether the facility has reasonable cause to believe that the household member is currently engaging in illegal drug use;
 - b. Complies with the form of written consent required by 24 CFR 960.205; and
 - c. Authorizes the PHA to receive the information and to utilize that information in determinations for admission to the PHA's public housing program.
2. The consent form must expire automatically after the PHA has made a final decision to approve or deny admission of the individual.
3. The PHA may request a drug abuse treatment facility to inform the PHA whether the facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.
4. The PHA's request must include a copy of the consent form signed by the proposed household member.
5. The drug treatment facility is not liable for damages based on the information required to be disclosed provided the disclosure is consistent with section 543 of the Public Service Act.
6. The PHA is not obligated to request information from drug treatment facilities and is not liable for damages for failure to request or receive the information.
7. The treatment facility may charge the PHA a reasonable fee for the information. The fee may not be passed along to the applicant or resident.
8. At this time the PHA does not anticipate screening through drug treatment centers. Should the PHA determine in the future that such screening is warranted, the Board of Commissioners will adopt a policy on such screening which will incorporate one of the two option listed below. Once adopted, the policy will be incorporated into this document by reference.
 - a. Policy A: Request for all families-the PHA must submit a request for information before admitting any family to the public housing program. For each family, the request must be submitted for each proposed family member; or

b. Policy B: Request for certain household members-the PHA must submit a request only with respect to each proposed household member:

- Whose criminal record indicates prior arrest or conviction for any criminal activity that may be the basis for denial under this policy; or
- Whose prior tenancy records indicate the proposed member:
 - Engaged in the destruction of property;
 - Engaged in violent activity against another person; or
 - Interfered with the right of peaceful enjoyment of the premises of other residents.

9. The PHA's system of records management ensures that the information received from the treatment facility about a person is:

- a. Maintained confidentially in accordance with the Public Health Service Act;
- b. Not misused or improperly disseminated; and
- c. Destroyed:
 - Not later than five (5) business days after the PHA makes a final decision to admit the individual to the public housing program; or
 - if the PHA denies the admission of a person as a household member, in a timely manner after the date on which the statute of limitations for the commencement of a civil action based on that denial has expired without the filing of the civil action or until final disposition of such litigation.

J. Verification of Income

All income will be verified. This may include, but not be limited to the following:

1. Gross Employment Income of all Household Members;
2. Social Security, Pensions, SSI and Disability Income;
3. Unemployment Compensation;
4. Welfare Payments or General Assistance;
5. Alimony or Child Support , Monetary or Not;
6. Net Income From a Business, Including Childcare and Home Sales;
7. Recurring Monetary Contributions and Gifts;
8. Zero and/or Sporadic Income Status;
9. Full-Time Student Status; or

10. All Income Excluded by Federal Mandate will be Verified for Reporting Purposes Only.

K. Assets and Income from Assets

All assets to which any household member has access and income from assets will be verified. This may include, but not be limited to the following:

1. Checking Accounts;
2. Current Savings Accounts and Certificates of Deposit of all Household Members;
3. Property Owned or Financed by Household Members;
4. Cash Value of Life Insurance Policies;
5. Retirement/Pension Funds; or
6. Assets Disposed of for Less than Fair Market Value in Previous 24 Months.

L. Verification of Deductions from Income

1. Childcare Expenses-Reasonable Limits

The PHA will verify:

- Eligibility for Childcare Expenses;
- Cost for Childcare
 - Day Care Center: \$85 per child
 - After School Care: : \$70 per child
 - In Home Childcare: \$70 per child
 - Other: \$70 per child
 - If childcare is required for education or to actively seek employment childcare costs must be reasonable. The following limits apply for reasonable childcare (exceptions may be made on a case-by-case basis for unusual circumstances or disabilities): Limits - \$75 per child
 - If childcare is required for employment, childcare expense will be capped by employment income.
- Childcare for actively seeking employment is allowed if the resident provides verifiable documentation of his/her efforts to seek employment away from home. Childcare will not be provided for time spent seeking

employment via home computer.

2. Medical and Handicapped Assistance Expenses

Families who claim medical expenses or expenses to assist a person with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source, as well as, proof of reimbursement of all medical expenses. Reimbursement of medical expenses must be reported on form HUD-50058.

3. Disability Assistance Expense Deduction

Families are entitled to deduction for un-reimbursed expenses for care attendants and auxiliary apparatus expenses for a member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including disabled member) to work. The allowable disability assistance expense is that portion that exceeds three percent of annual income. This deduction may not exceed the earned income received by family members who are eighteen (18) or over, and who are able to work because of such attendant care or auxiliary apparatus.

The PHA will verify:

- The disability;
- The un-reimbursed expenses for care or apparatus;
- Whether the expense is directly related to enabling employment; and
- Income earned due to the care or apparatus.

M. Verifying Non-Financial Factors

Non-financial factors that must be verified include, but are not limited to:

1. Legal Identity;
2. Marital Status;
3. Familial Relationships;
4. Permanent Absence of Adult Member;
5. Change in Family Composition;
6. Disability;
7. Funds Owed the PHA or Other Housing Authorities;
8. Social Security Numbers

The PHA will require the applicant to provide Social Security Numbers for all

family members six (6) years old or older or certify that no Social Security Number has been issued; or

9. Citizenship and Non-Eligible Immigration Status.

SECTION 9. DETERMINATION OF INCOME AND RENT CALCULATION

A. Annual Income

Annual income is used to determine whether the family is within the Income Limits applicable to the PHA's jurisdiction. Annual income is the anticipated amounts, monetary or not, that go to, or on behalf of, the family (including temporarily absent head, spouse or co-head), and are received from a source outside the family within the twelve (12) months following certification. All income that is not specifically excluded in the HUD regulations is counted.

Adjusted income is the annual income minus HUD required expenses and deductions.

Both annual and adjusted income is used to calculate the amount of the rent. In calculating annual and adjusted income, the PHA must include the income of every member of the household, including those who are temporarily absent. Income of persons who are permanently absent from the household will not be counted.

Income is defined by HUD regulations and is further interpreted in HUD Notices and Memos that must be followed. However, there are policy decisions that are needed in order to assure consistent interpretation of HUD regulations.

The PHA is required to verify family income, family composition and characteristics, value of assets, and other factors relating to eligibility determinations both before an applicant is issued assistance and annually.

The PHA may use several methods to verify income and income deductions. Up-front and third-party (independent) verifications will be obtained by the PHA either electronically, by fax or sent by mail to the appropriate agency. To qualify as third-party verification the document(s) must never touch the applicant or tenant's hands. If third-party written verification is not possible, the PHA may use third-party oral verification. If third-party oral verification is not possible, the Review of Documents method of verification may be used. And if that method is not possible, the PHA may accept self-declaration. When any form of verification other than third-party written is used, the PHA must document the file with the reason that another form of verification was used. [Under HOTMA, use of third-party income determinations must be made within the previous 12 month period for purposes of the following tested forms of Federal public assistance:](#)

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601)
- Medicaid (42 U.S.C. 1396)
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011)
- The Earned Income Tax Credit (26 U.S.C. 32)
- The Low-Income Housing Credit (26 U.S.C. 42)
- The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786)
- Supplemental Security Income (42 U.S.C. 1381)
- Other programs administered by the Secretary.

- Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.
- Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through the Federal Register.

Reference here will be limited to terms or concepts contained in the annual income listing.

B. Income Inclusions

1. Temporarily and Permanently Absent

HUD regulations specify that the income of family members who are “temporarily absent” from the household is to be included in total family income. The PHA has determined that “temporarily absent” can mean an absence for up to one year. An exception to the inclusion of that income is extended to members of the military who are under “hostile fire” and temporarily absent may exceed one year. Military absence can be confirmed with call-up orders. Other absences will be confirmed based on the circumstances of the absence.

In calculating annual and adjusted income, the PHA must estimate the income of every member of the household, including those who are temporarily absent. Income of persons who are permanently absent from the household will not be counted. Families must report in writing to the PHA any absence from the household of more than seven (7) consecutive days, consistent with the lease provisions. Any changes in family composition must be reported in writing to the PHA within ten (10) days. Families will be counseled at briefing sessions and re-certification on the effect family composition may have in determining unit size and Total Tenant Payment as well as the PHA’s policies for dealing with such changes. At times, situations may arise that result in the temporary or permanent absence of a family member or members from the household. Such situations will be handled in the following manner:

- a. Absence of children for foster care. In instances in which the children have been removed from the home by a social service agency, the agency will be contacted to determine the approximate length of time the children are expected to be away from the home.
 - (1) If the agency indicates that the children are expected to return to the home at some point during the next twelve (12) months, the children will remain a part of the family composition and will be counted in determining the family’s unit size.
 - (2) If the children are not ever expected to be returned to the home, the children will be removed from the family composition and the family’s unit size may be reduced accordingly.

- (3) If the agency indicates that it is unknown whether the children will be returned to the home, the children will remain a part of the family composition.

Oral conversations with the social service agency must be thoroughly documented in the family file, including the date of contact, name and title of contact person, name of agency, and telephone number and the details of the conversation.

- b. Absence of single parent; use of caretaker adult. When a single parent leaves the household for an extended period as a result of imprisonment, hospitalization, military service, etc., and another adult moves into the home to care for the children, the rental assistance will not be terminated. The family composition will be modified to include the name of the caretaker as head of household. The caretaker's income will not be included in the family income. The single parent's name shall be temporarily removed and the file documented to explain the circumstances. When the parent returns to the unit, the caretaker may leave or remain in the household. If the caretaker remains, his/her income will be included in the calculation of family income.
- c. Absence of head of household, spouse or co-head due to military service or school. If the head of household, spouse or co-head is absent from the home to serve in the military or attend school, the income will be included in the calculation of family income. However, income received as a result of special hazardous duty pay when exposed to hostile fire will not be included.
- d. Absence of other family member due to military service or school. If a family member other than the head of household, spouse or co-head is absent from the home to serve in the military or attend school, the family has the option of considering the person permanently absent (income not counted, not on lease) or temporarily absent (income counted, on lease). Income received as a result of imminent danger pay when exposed to hostile fire will not be included.
- e. Absence due to hospitalization of sole family member. When the family consists of only one member and that person leaves the home to go into a hospital or nursing home for a period of more than six (6) months, the assistance will be terminated. If a medical source documents that the person is expected to return to the unit in 180 days or less, the person shall continue to receive assistance. If the person is not back in the unit within 180 days, assistance will be terminated.
- f. Absence of All Household Members. If all members of the household are absent for 180 cumulative days, but have not moved from the unit, assistance will be terminated. In order to determine if the family is absent from the unit, the PHA may write letters to the family at the unit, telephone the family at the unit, interview the neighbors, and/or verify if utilities are in service. In cases in which the family has moved from the unit, assistance will be terminated in accordance with the PHA's termination and eviction procedures.
- g. Adult visitors. An adult may visit a unit for no more than fourteen (14) consecutive days per year. Exceptions may be granted by the PHA if the visitor is providing care for a household member with a long-term

illness. Adults exceeding this limit must be approved by the PHA before being considered a family member and added to the lease. Addition of such person may not be approved if they cannot be accommodated within the existing occupancy limits for the unit.

- h. Child visitors. Children under the age of eighteen (18) may visit a unit for a maximum of ninety (90) cumulative days per year without being considered part of the family, provided the family has the written permission of the PHA.
- i. Joint Custody of Children. Children who are subject to a joint custody agreement but live in the unit at least fifty-one percent (51%) of the time will be considered members of the household. If the family includes a child who is temporarily absent from the home due to foster care, the standards in paragraph number 8 above will be used.

2. Earned Income

Earnings anticipated to be received in the twelve (12) months following the effective date of the certification will be annualized. To annualize income, the PHA will multiply:

- Hourly income by the number of hours worked in a year;
- Weekly income by 52 weeks, unless it is verified that less weeks will be worked;
- Bi-weekly income by 26 pay-periods;
- Semi-monthly by 24 pay-periods; and
- Monthly by 12 pay-periods.

Where income is seasonal or fluctuates as to hours or rates, such as for teachers, construction workers, farmers or migrant workers, the PHA will use an average for twelve (12) months based on past income history of the family and such anticipated income that can be verified.

3. Temporary or Sporadic Income

Temporary or sporadic income is not counted in determination of annual income. Employment lasting less than thirty (30) days will be considered temporary. Sporadic income includes amounts that are neither reliable nor periodic.

4. Cyclical or Seasonal Work

When income varies due to cyclical or seasonal work, and the source of income has not changed from the previous year, the PHA may rely on the previous year's income to anticipate income for the coming year. Increases in pay rate over that of the previous year would be considered.

When anticipated income cannot be determined for a full twelve (12)-month

period, the PHA will annualize current income and conduct an interim reexamination when income changes.

5. Net Income from Business or from Self-Employment

The net income from the operation of a business or self-employment is counted as income. Net income is the amount of business income received less expenses incurred. Deductions from business income can include business vehicle expenses, supplies and materials, staff salary and benefits, depreciation of assets. Any withdrawals of cash from the business will be considered income unless the withdrawal is reimbursements of cash or assets invested in the operation by the family. Expenditures for expansion or amortization of capital indebtedness are not used as deductions from income.

Business expansion includes substantially increasing the size of the business or branching out into adjacent areas that are not part of the original operation. Straight-line depreciation of assets is an allowable expense and can be verified through examination of the income tax forms filed for the business or audited financial statements. Similarly, the accounting records and financial statements can be used to determine the initial/ongoing cash or assets invested in the business. This information can be used to determine whether or not a withdrawal is a reimbursement of investments in the business. If a business is co-owned by someone outside the household, audited financial statements and income tax returns can provide information to determine the level of net income to be attributed to the family from part ownership of the business.

6. Regular Contributions and Gifts

The PHA has determined that a regular contribution and gifts is one that is made weekly or monthly for at least seven months within a twelve (12) month period. Contribution/gift values will be determined by verifying with the giver, the amount, type and frequency of the contributions. For example, the average cost of regular donations of groceries or clothing to the family will be counted in family income. Also, where specific bills are paid such as telephone, gas, electric, cable, rent, etc., verification of billed amounts will be sought from the providers.

Payments made by persons or entities (such as insurance company reimbursement for doctor bills or prescriptions) specifically for medical expenses will be excluded from income. Verification of the amount paid will be secured directly from the provider and third-party verification will be secured from the recipient. Any discrepancy between the amount paid and the amount due, or credit to the family will be counted as income unless it is determined that the amount is a one-time contribution.

7. Alimony and Child Support

The full amount of alimony and child support payments is included in the calculation of annual income. Verification of the amounts can be found in the final divorce decree or settlement papers or may be obtained from the court if payments are made to and distributed by the court. If the family asserts that they are not receiving the full amounts due, the PHA will attempt to verify the lesser amount through the court, the payer or through examination of original payment documents. If the payee has filed a claim in court for non-payment or under-payment, the PHA may use those documents for verification. Until the PHA obtains verification of the lesser amount, the full amount of alimony and child support payments will be included in income.

In cases where there is no award by the court, the PHA must seek verification from the provider of the amounts paid, view canceled checks or money order receipts and, for alimony, the provider's income tax returns. Information from the provider will be matched against records provided by the payee including tax returns, if any, and any discrepancies reconciled to assure an accurate amount to include in annual income.

8. Lump Sum Payments

Lump-sum payments received due to delayed start of periodic payments (e.g., unemployment, TANF, or child support) except Social Security and Supplemental Security Income benefits, whether due to disputes or processing problems are counted as income.

Attorney fees may be deducted from lump-sum payments when the services were necessary to recover the lump-sum settlement and when the recovery does not include additional monies to pay the attorney fees.

Social Security and Supplemental Security Income benefits that are received in a lump sum or prospective monthly amounts are excluded from annual income. The lump sum payment may be treated as an asset.

9. Income from Assets

a. Assets Valued Under \$5,000

When assets owned by any family member (including minors) have a combined cash value of less than \$5,000, actual income received from the asset(s) is counted as income. (For example, checking and savings accounts.) In determining the value of checking accounts, the PHA will use the lesser of the current balance or the average daily balance of the account for the most recent past three (3) months. Anticipated interest will be determined by multiplying the value of the checking account by the annual interest rate.

b. Assets Valued Over \$5,000 50,000

When assets owned by any family member (including minors) have a

combined cash value of more than \$5,000 50,000, the PHA will use the greater of actual income received from the asset(s) or imputed income using the HUD passbook rate. HOTMA and the PHA imposes a \$100,000 asset limit for eligibility and continued assistance. Additionally, families are ineligible for assistance if they own real property suitable for occupancy. The PHA has the option of delaying enforcement/termination of assistance for up to six (6) months if the family is over the asset threshold at the time of annual reexamination. The PHA may utilize this option on a case-by-case basis.

c. Assets Disposed of for Less than Fair Market Value

The PHA will count as an asset the difference between the market value and the actual amount received for assets disposed of for less than market value for two (2) years from date of disposition. An imputed income may be calculated if all assets total more than \$5,000 50,000.

d. Contributions to Retirement Funds

While an individual is employed, only the amount the family can withdraw without retiring or terminating employment is included as an asset. After retirement or termination of employment, any amount the employee elects to receive as a lump sum is included in income.

Under HOTMA, the value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals are excluded from the calculation of net family assets.

e. Educational Savings Accounts

Under HOTMA, the value of any account/s from the following list are excluded from the calculation of net family assets:

- Any Coverdell education savings accounts under section 530 of IRS code 1986,
- Any qualified tuition program under section 529 of IRS.
- Any Achieving a Better Life Experience (ABLE) account under section 529A of IRS
- Interests in Indian trust land
- Equity in a manufactured home where the family receives assistance under 24 CFR part 982.
- Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982.
- Family Self-Sufficiency (FSS) Accounts
- Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

10. Military (Armed Forces) Pay

The Military Pay of the head of household, spouse or co-head is included in annual income. All regular pay, special pay and allowances of member of the military will be included in income (EXCEPTION: Special hazardous duty pay for a family member exposed to hostile fire.)

11. Public Assistance

Public assistance includes:

- Temporary Assistance to Needy Families (TANF); and
- General Assistance.

Special calculations must be made for benefits received in “as paid” state or local programs.

“As paid” programs are those in which the family receives a specific amount for shelter and utilities and the amount is adjusted based upon the actual amount the family pays for shelter and utilities.

In “as paid” programs, the amount of welfare assistance income shall consist of:

- The amount of the grant exclusive of the amount specifically designated for shelter and utilities; plus
- 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 counted, as income is the actual amount received.

12. Imputed Welfare Income

The PHA will not reduce a family’s contribution rent if the family’s welfare benefits were reduced due to:

- a. Welfare fraud; or
- b. Failure to fulfill the Welfare Department’s economic self-sufficiency or work requirements.

Imputed Welfare income must be calculated if the Welfare Agency verifies in writing that a family has been sanctioned for one of the two reasons above. Under these circumstances, the PHA will not reduce the total tenant payment for the family. The amount of the sanction in welfare benefits is identified as imputed welfare income. The amount of the imputed welfare income plus other income received by the family is used to calculate the total tenant payment.

When new income to the household exceeds the imputed welfare income, the imputed welfare income is no longer considered in the determination of

annual income.

The family will be offered an opportunity for an informal hearing. The PHA will determine through third-party written verification why the benefits were reduced or suspended before adjusting the income and rent. If welfare benefits expired and program requirements were met, the family income will be reduced to determine rent.

13. Payments in Lieu of Earnings

When payments in lieu of earnings cannot be anticipated for the twelve (12) months following examination, annualize the payments in lieu of earnings and conduct an interim recertification when income changes.

- Unemployment and Disability Compensation; and
- Severance Pay

Lump-sum health and accident insurance payments and Workers' Compensation benefits are not counted as income.

14. Periodic Payments and Allowances

The full amount of periodic amounts received from:

- Social Security
- Supplemental Security Income
- Annuities
- Insurance Policies
- Retirement Funds
- Pensions
- Disability or Death Benefits
- Alimony or Spousal Support
- Child Support
- Other Types of Periodic Receipts

The withdrawal of cash from an investment that is received as periodic payments (i.e. 401K, IRA) should be counted as income unless the family can document and the PHA verifies that amounts withdrawn are reimbursement of amounts invested. When a family makes a withdrawal from an account in which it has made an investment (such as an annuity or IRA), the withdrawals count as income only after the amount invested has been totally paid out.

If benefits (such as Social Security or Veteran's benefits) are reduced due to a prior overpayment, use the actual amount of the current allocation (before withholding for medical premiums).

If benefits are reduced due to other withholding, such as an IRS garnishment or child support garnishment, use the full award amount.

15. Income of Dependents

A dependent is a family member who is under 18 years of age, is disabled (regardless of age), or is a full-time student (regardless of age).

The head of household, spouse or co-head, foster-child, or live-in aide are never dependents.

Benefits and non-earned income of minors are counted in determining annual income. Earned income of minors is not counted.

Count only the first \$480 of earned income of full-time students age 18 and older who are not the head of household, spouse or co-head.

Count all non-earned income of full-time students.

Count all income (earned and non-earned) of the head of household, spouse or co-head, even if he/she is a full-time student or a minor.

16. Income of a Live-in Aide

The income of a live-in aide is excluded from income provided that the person meets the live-in aide criteria established by HUD.

A live-in aide is a person who resides with one or more elderly or near elderly persons or persons with a disability and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

This definition does not automatically exclude relatives. Husbands or wives for example may provide attendant care for spouses but would not have their income excluded since they would be living in the unit and are legally responsible for support. Adult sons, daughters or other relatives would have their income excluded if they can demonstrate that they otherwise would be living elsewhere. Verification would involve a determination regarding whether the person previously lived outside the unit and moved back solely to take care of the family member, or hasn't resided in the unit for at least three months.

Verification of the need for live-in aide services should be obtained from qualified medical, health or social services/rehabilitation specialists. Verification of a legal requirement for support includes marriage certificates, court ordered guardianship, or other legal documents requiring the attendant to be legally responsible for support of the person they care for. The PHA would have to verify residency of the attendant as being elsewhere through prior landlords, rental agreements or leases, rental receipts, utility bills in the

attendant's name for another address, driver's license or other government issued ID, etc.

Live-in aides are not remaining members of a resident family and must vacate the unit if the person they care for vacates. Also, live-in attendants should have their own bedroom and may have family members live with them provided that HUD will not increase the operating subsidy by the cost of additional bedrooms and the presence of the live-in aide's family does not cause over-crowding.

C. Averaging Income

There are two ways to calculate income when the income cannot reasonably be anticipated for a full year:

1. Annualize current income (and subsequently conduct an interim reexamination if income changes); or
2. Average known sources of variable income to estimate an annual income (no interim adjustment is required if income remains as predicted).

Income from the previous year may be analyzed to determine the amount of anticipated income when future income cannot be clearly verified. If, by averaging, a reasonable estimate can be made, that estimate will be used to anticipate annual income over the next twelve (12) months, instead of changing the HAP every month as the income fluctuates.

D. Federally Mandated Income Exclusions

Some amounts are prohibited from being included in a family's income for rent determination purposes. These amounts, called exclusions, are not part of Annual Income.

Excluded income is reported on form HUD-50058.

The PHA must obtain verification for income exclusions if without that verification a PHA would not be able to determine whether or not the income is to be excluded from Annual Income. Depending on the circumstances, any or all of the following may need to be verified:

- Source of excluded income;
- Circumstances that qualify a family member's income to be excluded; and
- The amount of the exclusion.

1. Wages of Family Members under Age 18

The full amount of income from employment of children (including foster children) under the age of 18 (excluding the head of household, spouse of

head of household, or co-head).

2. Earnings in Excess of \$480 for Full-Time Students Over Age 18 (except Head of Household, spouse or co-head)

The first \$480 of earned income of each full-time student 18 years old or older (excluding the Head of Household, spouse or co-head) earned is counted in calculation of Annual Income.

3. Refunds or Rebates of Property Tax on Home

Amounts received by a family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit are excluded in the calculation of Annual Income.

4. Payments for Student Financial Assistance Paid Directly to the Student or Educational Institution

The full amount of financial assistance, including grants, scholarships, educational entitlements, work-study programs and financial aid packages, are excluded in the calculation of Annual Income.

5. Lump-Sum Additions to Family Assets

Lump-sum additions to family assets, such as inheritances, health and accident insurance, worker's compensation, capital gains and settlements for personal or property losses are excluded in the calculation of Annual Income.

6. Lump-Sum Payments of Deferred Benefits

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 in the calculation of Annual Income.

7. Amounts Set Aside for Use under PASS

Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) are excluded in the calculation of Annual Income.

8. Temporary, Non-Recurring, Sporadic Income

Temporary, non-recurring, or sporadic income (including gifts) is excluded in the calculation of Annual Income.

Sporadic income is that which is not of a regular nature and which cannot be counted on continuing.

9. Medical Expenses

Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member are excluded in the calculation of Annual Income.

10. Income of Live-In Aides

All income of a live-in aide is excluded in determining annual income.

11. Adoption Assistance Payments in Excess of \$480 per Child

Count as Annual Income the first \$480 per child of adoption assistance payments.

12. Payments to Keep Developmentally Disabled Family Members at Home

Amounts paid by a State or local agency to a family with a member who has a developmental disability living at home is excluded in the calculation of Annual Income.

13. Payments Received for the Care of Foster Children or Adults

Payments received for the care of foster children or foster adults are excluded in the calculation of Annual Income. Foster Adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone.

14. Armed Forces Hostile Fire Pay

The special pay to a family member serving in the Armed Forces who is exposed to hostile fire is excluded in the calculation of Annual Income. All other pay to household members who are serving in the Armed Forces is included in income.

15. Foreign Government Reparation Payments

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 are excluded in the calculation of Annual Income.

16. Earnings and Benefits from Employment Training Programs Funded by HUD

Training programs funded by HUD will have goals and objectives. This is not to be confused with employment by the PHA.

17. Incremental Earnings and Benefits from Participation in Qualifying State and Local Employment Programs

Incremental earnings and benefits received by 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 are excluded in the calculation of Annual Income.

A qualified training program is one that is part of a State or local employment-training program and has clear goals and objectives. This would include programs that have the goal of assisting participants in obtaining employment skills, and are authorized or funded by Federal, State or local law, or operated by a public agency. These include programs through Department of Labor, Employment Training Administration, and Welfare-to-Work Grants.

Amounts excluded by this provision are excluded only for the period during which the family member participates in the employment-training program.

18. Reimbursement for Out of Pocket Expenses While Attending a Public Assisted Training Program

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

19. Resident Service Stipend not to Exceed \$200 per Month for Services to the PHA

Amount received under a resident service stipend are excluded in the calculation of Annual Income.

A resident service stipend is a modest amount, not to exceed \$200 per month, received by a resident for performing a service for the PHA, 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, ground maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board.

No resident may receive more than one such stipend during the same period of time.

The Public Housing Reform Act provides that the governing board of a PHA must generally contain at least one member who is directly assisted by the PHA. To support and facilitate implementation of this new statutory requirement, HUD has clarified that the resident service stipend exclusion covers amounts received by residents who serve on the PHA governing board.

20. The value of the allotment provided to an individual under the Food Stamp Act.

21. Payments to volunteers under the Domestic Volunteer Services Act which

includes, but is not limited to:

- RSVP;
 - Foster Grandparents;
 - Senior Companion Program;
 - VISTA;
 - Peace Corps;
 - Service Learning Program;
 - Special Volunteer Programs;
 - Small Business Administration programs such as National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience;
 - Service Corps of Retired Executives (SCORE); or
 - Active Corps of Executives.
22. The first \$2000 of payments received under the Alaska Native Claims Settlement Act.
23. Income derived from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes.
24. Payments or allowances under Department of Health and Human Services Low-Income Home Energy Assistance Program (LIHEAP).
25. Payments received under programs funded in whole or in part under the Partnership Act.
26. Income derived from the disposition of funds of the Grand River Band of the Ottawa Indians.
27. The first \$2000 of per capita shares from judgment funds awarded by the Indian Claims Commission or the Court of Claims or from funds held in trust for an Indian tribe by the Secretary of the Interior.
28. The full amount of Federal scholarships funded under Title IV of the Higher Education Act of 1965, including awards under Federal work study programs or under the Bureau of Indian Affairs student assistance program.
29. Payments received from programs funded under Title V of the Older Americans Act of 1965 which includes, but is not limited to:
- Senior Community Services Employment Program;
 - National Caucus Center on the Black Aged;
 - National Urban League;
 - Association National Pro Personas Mayors;
 - National Council on Senior Citizens; or
 - Green Thumb.
30. Payments received on or after January 1, 1989 from the Agent Orange

Settlement Fund or any fund established pursuant to the settlement in the Agent Orange product liability legislation.

31. Payments received under the Maine Indian Claims Settlement Act of 1980.
32. Child care arranged for or provided under the Child Care and Developmental Block Grant Act or any amount received for such care or reimbursement for costs incurred in such care.
33. Federal and State Earned Income Tax Credit refund payment.
34. Payments by the Indian Claims Commission to the Confederate Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.
35. The first \$2000 of income received by an individual Indian derived from interests or trusts or restricted land.
36. Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990.
37. Any allowance paid under provisions of 38 U.S.C 1805 to a child suffering from spina bifida who is the child of a Vietnam Veteran.
38. Any amount of crime victim compensation that the applicant (under the Victims of Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant.
39. Amounts earned by temporary Census employees for determining income in the Department's assisted housing programs. Terms of employment may not exceed 180 days for the purposes of the exclusion.

E. Self-Sufficiency Incentive-(Earned Income Disallowance)

1. Any family may qualify for the earned income disallowance if:

[Under HOTMA, Earned Income Disallowance will only be available to families that are eligible for and participating in the program as of January 01, 2024. No new families may be added to EID as of this date.](#)

- a. Their annual income increases as a result of employment of an adult family member who was previously unemployed for one or more years prior to the employment;
- b. Their annual income increases as a result of increased earnings by an adult family member during participation in any economic self-sufficiency or other job training program; or
- c. Their annual income increases as a result of new employment or

increased earnings of an adult family member, during or within six (6) months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act. The TANF program includes formula-driven maintenance assistance and such benefits and services as one-time payments; wage subsidies and transportation assistance-provided that the total amount over a six-month period is at least \$500.

Note: Receipt of Food Stamps and/or Medicaid is not part of the TANF program. If no TANF assistance is provided as listed above, the family will not qualify for the earned income disallowance under TANF provisions but may qualify under the remaining criteria. The PHA will verify receipt of benefit or services other than monthly maintenance with the TANF provider if the family indicates that their eligibility for the earned income disallowance is based on other assistance under TANF.

Incremental increases in income are excluded fully for the first twelve (12)-month period and 50% excluded for the second twelve (12)-month period. The PHA will maintain a log for each individual showing, if applicable, earning and benefits from qualified training programs, incremental earnings from increased employment for the first twelve (12)-month period and the second twelve (12)-month period. Since the total window of opportunity for the earned income disallowance extends over twenty-four (24) months, the log will adequately reflect all periods of employment and non-employment, to assure the family member receives the benefit of each full twelve (12)-month period.

2. The disallowance of increase in annual income will be calculated as follows:
 - a. During the cumulative twelve (12) month period beginning on the date an adult member, of a qualified family, is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income, of a qualified family, any increase in income of the adult family member as a result of employment, over prior income of that family member.

Example: The adult family member receives SSI of \$500 per month. The adult family member starts a job as a greeter at a local retail store for \$5.00 per hour, 20 hours per week. Assume for this example the SSI remains the same.

The first 12 months the income is as follows:

$$\text{SSI: } \$500 \times 12 = \$6,000$$

$$\text{Work: } \$5.00/\text{hr} \times 20 \text{ hrs} \times 52 \text{ weeks} = \underline{\$5,200^*}$$

\$6,000 Gross Annual Income

*this amount is excluded for 12 months.

- b. Phase-In Period. During the second cumulative twelve (12) month period after the date an adult family member, of a qualified family, is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from the annual income of a qualified family member fifty percent (50%) of any increase in income of such family member as a result of employment over income of the family member prior to the beginning of such employment.

The second 12 months the income is as follows:

SSI: $\$550 \times 12 = \$6,600$

Work: $\$5.50/\text{hr} \times 25 \text{ hrs} \times 52 \text{ weeks} = \$7,150$

Excluded 50% - $\$3,575$

$\$10,175$ Gross Annual Income

- c. Maximum two (4)-year disallowance. The disallowance of increased income of an adult family member, as provided in a. and b., above, is limited to a lifetime twenty-four (24) month period. The disallowance applies for a cumulative twelve (12) month period for the fifty percent (50%) exclusion for the second twelve (12)-month period.
- d. This exclusion does not apply to admissions.

F. Assets

The PHA will determine the net cash value of each asset by deducting reasonable costs that would be incurred to convert the asset to cash from the market or face value of the asset.

Reasonable costs include, but are not limited to: penalties for early withdrawal of funds from CD's, Money Market accounts, IRAs, annuities, etc.; the cost basis plus commissions and fees for stocks, bonds and other capital investments; appraisal fees, realtor commissions, closing costs, repair costs, if applicable, for real property; penalty fees for early withdrawal of IRA's, pensions and annuities.

If assets are held jointly in an "and" or an "or" account, the full value of the asset less any reasonable costs will be counted unless the family member can demonstrate that their access to the account is legally restricted. The PHA must be able to verify the restriction.

Not counted, as assets are necessary items of personal property. These include but are not limited to: clothing; furniture, personal automobiles, computers and related equipment for personal but not business use.

Assets include, but are not limited to trusts (only if a family member has access or control of the trust), joint accounts, investments, CDs, IRAs, Keogh, real or personal property or other annuities to which the family member has access even if

penalties would be imposed for early withdrawal.

In determining the net cash value of assets, the PHA will treat assets as follows:

1. Trusts

Principal from a trust is not counted as an asset if the trust is not revocable by, or under the control of, any member of the family, so long as the fund continues to be held in trust. The distributions are considered to be part of annual income. A lump sum distribution in total or in part will be added to all other income and divided by twelve (12) to obtain the gross monthly income. Verification of trust provisions should be contained in the original trust documents. If the documents cannot be obtained, verification should be obtained from the trustee (individual or financial institution).

If a family sets up an un-revocable trust for the benefit of another person outside of the household, the PHA must determine whether or not the value of the trust is less than the fair market value of the assets contained therein had the family retained the asset. If that is the case, the fair market value less reasonable costs must be determined and the net value of the asset included in total assets. Any income the family receives from this trust will be included in annual income. Nominal amounts set aside in trust for or donated to charitable organizations up to \$1000.00 will not be considered assets disposed of for less than fair market value.

2. Joint Ownership

For joint ownership of assets, the PHA must determine the percentage of ownership attributable to the family member. Documents that may provide this information include deeds, tax returns, ownership papers, and financial institution records. These types of documents should, if applicable to the asset, describe whether the family member has full or restricted access to the asset. If restricted, the PHA will use only that portion of the asset available to the family member.

3. Investments

The family must maintain the original copies of receipts for purchases of stocks, bonds, etc. Another source is original periodic statements from brokers that reflect the cost basis of any investment holding which are liquidated. This information will provide the basis for determining reimbursement for amounts invested.

4. Retirement Benefits (CDs, IRAs, Keogh)

Retirement/pension accounts, while the household member is employed, are counted as assets only if there is access to cash from the account while

employed. Similarly, if funds are held in the account with the principal restricted from access, only distributions from the fund are counted as income.

5. Checking and Savings Accounts

Checking and savings accounts are also considered as assets. The total amount in savings will be considered an asset unless the account is specifically designated under a plan for self-sufficiency for a person with a disability under Social Security Administration guidelines. Checking accounts are also assets under HUD guidelines; however, since most checking accounts are used primarily as a pass-through for receipt of income and payment of monthly household expenses, only the amount in the checking account in excess of \$1000.00 will be considered to be an asset. The PHA may grant an exception to this threshold if the family states and the PHA can verify that regular household expenses such as rent, utilities, food, etc., exceed that threshold. Verification of these accounts will be made first, from a bank verification form completed by the bank. If the bank charges either the resident or PHA more than \$5.00 per Bank Statement, then the PHA will use bank statements and passbooks. Bank statements for at least six (6) consecutive months will be requested for verification of balances in checking accounts. For threshold exceptions, original billings, rental receipts and related documents will be required.

Note: The interest from an interest bearing checking account is considered as income.

6. Annuities

Annuities may provide for either fixed or variable payment. For variable payments, the PHA will evaluate historical information to determine the approximate anticipated payment amount for the next twelve (12) month period. This annualized income may be adjusted based on significant changes from the anticipated income. The holder of an annuity may withdraw the funds at any time before maturity but will pay a penalty for early withdrawal. Verification of the penalty amount may be obtained from the company holding the annuity and should be deducted from the total distribution before determining asset or income amounts. Monthly or periodic regular annuity payments are counted, as income while the principal of the annuity remains an asset until fully liquidated. Verification of any annuity expenses will be obtained from the annuity provider.

7. Net Cash Value of Assets Disposed of for Less than Fair Market Value for 2 Years from Date of Disposition

Reasonable costs include, but are not limited to: penalties for early withdrawal of funds from CD's, Money Market accounts, IRAs, annuities, etc.; the cost basis plus commissions and fees for stocks, bonds and other

capital investments; appraisal fees, realtor commissions, closing costs, repair costs, if applicable, for real property; penalty fees for early withdrawal of IRA's, pensions and annuities.

If assets are held jointly in an "and" or an "or" account, the full value of the asset less any reasonable costs will be counted unless the family member can demonstrate that their access to the account is legally restricted. The PHA must be able to verify the restriction.

Not counted, as assets are necessary items of personal property. These include but are not limited to: clothing; furniture, personal automobiles, computers and related equipment for personal but not business use.

8. Lump Sum Additions

Lump sum additions such as inheritances, insurance payments (including payments under health and accident insurance and Workers' Compensation, except those portions which are reimbursement for expenses paid out by the family or otherwise excluded by HUD regulation), capital gains and settlement for personal or property losses are counted as assets whether or not they are placed in savings or other investment vehicles. The PHA will verify payments of inheritances through the executor; health, accident and Workers' Compensation payments through the provider; capital gains through the broker, original 1099s or tax returns; and settlements for personal or property losses through the insurer.

Lump sum payments of \$500 or less will not be included in the calculation of assets.

G. HUD Required Deductions

HUD has five (5) allowable deductions from annual income:

1. Dependent Allowance: \$480 each for family members (other than the head, spouse or co-head) who are minors (including children who are adopted), and for family members who are eighteen (18) and older who are full-time students or who are disabled (foster children, foster adults, and children of live-in aides are not entitled to this deduction).
2. Elderly/Disabled Allowance: \$400 525 per family for families whose head, spouse or co-head is 62 or over or disabled.
3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.

IRS publication 502 will be used as guidance where questions arise as to an item's eligibility. This publication provides a complete listing and description of allowable medical and dental expenses that can be included as

medical deductions. Where an expense item can be treated as either a medical or a disability assistance expense the PHA will calculate the expenses both ways and give the family the greater deduction.

The PHA will advise all families at each certification/recertification that they may report any one-time nonrecurring medical or disability expense cost and request an interim recertification.

4. **Additional Income Exclusions under HOTMA**
 - Amounts received from Medicaid or other state/local programs meant to keep a family member with a disability living at home
 - Veteran's aide and attendant care
 - Distributions of principal from non-revocable trusts, including Special Needs Trusts.
5. **Allowable Disability Assistance Expenses:** Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the disabled person or another adult family member to work.

Disability assistance expenses are those 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 family member) to be employed. These expenses may not be paid to a member of the family nor reimbursed by an outside source.

The PHA must determine what is "reasonable" based on local conditions and costs as well as whether the expenses are directly linked to enabling the family member to work. Reasonable attendant care costs for the locality should be verified through a local social services agency which handles attendant care needs, or an Independent Living Center that assists families in matching attendants with disabled clients. In determining the reasonable cost for equipment, special apparatus or accessibility modifications, the family should provide estimates of costs for the PHAs use in evaluating what is "reasonable".

Attendant care includes the actual cost of providing an attendant to care for a disabled person either in the home or in the work place based on local standards for hourly pay or salary. Equipment may include but not be limited to providing a wheelchair (manual or electric) to allow the disabled individual the mobility to go from home to place of employment or to facilitate care in the home, ramps to provide access to and from the unit, modifications to a vehicle or special equipment to enable a blind individual to read or type, but only if this enables the disabled person or other family member to work, any other type of special equipment needed for mobility if the use thereof is demonstrated to be employment related for the disabled

person or another family member. The amount allowed is limited to the amount that exceeds 3% of gross family income and does not exceed the amount earned as a result of the expense.

The PHA will advise all families at each certification/recertification that they may report any one-time nonrecurring medical or disability expense cost and request an interim recertification.

The PHA must be able to verify that there is a direct link between the disability assistance expenses claimed by the family and a family member (including the disabled family member) going to work. This will generally involve determining whether the employed family member was previously employed.

If more than one family member is enabled to work as a result of the incurring of disability assistance expenses, the PHA will verify the employment and combine the incomes of all working family members to establish the cap by which the expenditures are limited.

In some cases, equipment purchased, a computer with adaptation devices for the disabled individual, for example, will not be used exclusively for employment purposes. In such case, the PHA will require the family to certify as to the percentage of the time the equipment is used strictly for employment purposes and prorate the expense.

Example: A computer is purchased for the home and is used by the disabled person to perform medical billing or transcription. The disabled person certifies that 60% of the computer use is strictly related to the employment and 40% for other personal use. The cost of the computer, peripheral equipment (printer, software, etc) and special adaptive devices is verified by original invoices and receipts to be \$2,400. The PHA would allow \$1440 as the disability assistance expense deduction provided that the income from the employment use of the equipment exceeds the expense cap.

If both childcare and disability expenses are needed to enable a person to work, the PHA will use the same employment income to justify the childcare allowance and the disability assistance allowance.

6. Childcare Expenses: Deducted for the care of children under thirteen (13) years of age when childcare is necessary to allow an adult member to work, attend school, or actively seek employment.

The following standards are the criteria for allowing childcare expenses as a deduction:

- a. Childcare to work: The maximum childcare allowed would be based on the amount earned by the person enabled to work. The "person enabled to work" is the adult member of the household who earns the

least amount of income from employment. The childcare deduction may not exceed the amount of income earned by the person enabled to work.

- b. Childcare for school: The PHA will compare the number of hours the family member is attending school and base the reasonableness standard on the number of hours that the family member is attending school (with the addition of one hour travel time to and from school) versus the number of hours claimed for childcare. The number of hours for which the childcare deduction is allowed shall not exceed the school and travel time.
- c. Childcare to seek employment: The deduction for childcare to seek employment must not exceed the Annual Adjusted Income of the family member seeking employment. The deduction does not include transportation costs, or other expenses incurred, and are limited to one year per individual.

To claim the deduction, verification from the childcare provider must include the name, address, and phone number of the company or individual childcare provider, the names of the children being cared for, the number of hours for which childcare is provided, the rate of pay, and the typical yearly amount paid (taking into account school and vacation periods).

Verification from the job seeker must include documentation from an employment service agency and/or written verifications of interviews from potential employers.

Childcare expenses must be “reasonable” and may not exceed the amount of employment income that is included in annual income. The PHA will make a determination as to what is a reasonable rate for childcare based on local conditions and rates. The PHA will obtain information from the social services agency that certifies childcare providers, day care centers, federally funded after school programs, etc., and determine a scale of reasonable costs. If it is determined that there is a significant difference between in-home care and day care center charges, the PHA will develop a separate scale for each.

If the family has school age children who require care only before and/or after school hours, the PHA will consider payment for before and/or after school activities to be a reasonable expense in lieu of individual childcare.

At annual certification the PHA will determine the total anticipated childcare expense for the employed family members (including increases for care need during school breaks and summer vacations for school age children) and average the amount over twelve (12) months. Should there be a significant variation from the estimated amount the family may request an interim certification adjustment.

If childcare is required to allow one or more family members to be employed, the amount of the childcare expense may not exceed the total of earned income received by all family members. The amount of childcare expenditure must be reasonable if the purpose of the childcare is to allow a family member to actively seek employment or to further his or her education.

To qualify for childcare deductions under the provision of actively seeking employment, the family member may be a participant in an official job search program or may simply demonstrate independent job search activities. In either case, in order to verify the time spent in seeking employment, the PHA will require the family to maintain a log that reflects the following:

- The date and time of departure from home (including time needed to drop off children for childcare, if provided outside the home);
- The name and location of the prospective employer, unemployment office or employment agency;
- The name of the person(s) contacted and telephone number;
- The length of time for completion of the application, the interview, testing or other job search activity;
- The time the children are picked up and the time arrived at home;
- The name, address, telephone number and social security number of the childcare provider; and
- The total amount paid for the childcare.

If multiple applications are placed or interviews are held consecutively or on the same day, the above information should be provided for each prospective employer or agency. The PHA will use this information to verify the contacts and the eligibility of childcare expenses. Since job search activities may be irregular and not easily anticipated, the PHA may attempt a limited inclusion at the annual certification and conduct an interim examination after some actual expenditures have been incurred. In many instances, job search periods will be of limited duration, but in some cases the job search period may be extended, especially if the type of employment sought is limited in availability, employment opportunities of any kind are scarce or the job skills needed are unusual.

To qualify for childcare deductions under the provision of furthering education, the family member must demonstrate that they are enrolled in some accredited or approved educational or training program. While the type of educational effort may vary widely and be either full-time or part-time, evidence of regular participation will be required and verified by the PHA. Furthering education can include

but is not limited to; completing high school or equivalency (GED), trade school, Community or Junior College, four-year College, technical schools, ESL or basic education classes, apprenticeship programs, certificate programs, clerical school and even independent study, if the family member must access on-line educational programs out of the home. The family member must provide and the PHA verifies information on the type of educational program, the number of units or hours of participation, the name of the educational institution or training facility. The PHA will allow childcare expense coverage to include pick-up and drop-off of children at the provider's location. The PHA will also evaluate expenses which may exceed the norm if childcare must be provided evenings, nights or week-ends for either educational or employment purposes.

The PHA will review the work hours or educational hours to assure that the combined employment or education hours plus pick-up/drop-off times are within a reasonable timeframe (generally determined to be no more than one hour before or after scheduled work hours or class times). Exceptions may be made for overtime, special seminars or testing, providing the PHA can verify the extended times.

Childcare expenses may be divided between two households in cases of split custody. If only one custodian is an assisted family, the cost of childcare will be pro-rated based on the percentage paid by each custodial parent. The cap on eligibility for childcare expenses allowed the assisted family would still be based on the earned income limitation.

One or more family members can engage in qualifying activities for childcare purposes as long as the limitations of reasonable expenses for job search and education and expenses not exceeding earned income for employment are applied.

The deduction for childcare is not given if an agency or person outside the household reimburses the expenses.

H. Minimum Rent

The PHA has adopted a minimum rent of \$50.00.

1. The minimum rent requirement may be waived under certain circumstances. Financial hardship status is to be granted immediately for ninety (90) days in the event of the following:
 - a. The family has lost eligibility or is awaiting an eligibility determination to receive federal, state or local assistance, including a family having a non-citizen household member lawfully admitted for permanent

- residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
- b. The family income has decreased due to changed circumstances such as separation, divorce, and abandonment;
 - c. One or more family members have lost employment;
 - d. The family would be evicted as a result of imposing the minimum rent requirement;
 - e. There has been a death in the family; or
 - f. There are other hardship situations determined by the PHA on a case-by-case basis, i.e. alimony, [child care hardship exemptions as determined by HOTMA](#), child support, etc.

Financial hardship exemption only applies to payment of minimum rent - not to rent based on the statutory formula for determining the Total Tenant Payment (TTP).

2. If tenant initiates a request for a hardship exemption that the PHA determines is temporary in nature:
 - a. If the hardship is determined to be temporary, rent may be suspended, during the ninety (90) day period beginning on the day the request is made. At the end of the ninety (90) day period, the minimum rent is reinstated retroactively to the date of suspension and the HAP is again adjusted.
 - b. In the case of a temporary hardship, the PHA will allow the family a maximum of six (6) months to make payment of any delinquent minimum rent payments accrued during the suspension period. However, the family must execute a Repayment Agreement.
 - c. The family may not be evicted for non-payment of rent during this ninety (90)-day period.
 - d. If the hardship is subsequently determined to be long-term, the PHA will retroactively exempt residents from the minimum rent requirement for the ninety (90)-day period.
3. Hardship determinations are subject to the PHA's Informal Hearing Process and families are exempt from any escrow deposit that may be required under regulations governing the hearing process for other determinations.

I. Prorated Assistance for Mixed Families

1. Applicability

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

Mixed families that were a participant on June 19, 1995 and do not qualify for continued assistance must be offered prorated assistance. Mixed family

applicants are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

2. Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

J. Zero Income Families

Families reporting no family income will be asked at application and re-certification how the family pays for necessary living expenses. If it is determined that the family is receiving regular monetary or non-monetary contributions and/or gifts from non-household members, the value of these gifts will be annualized to estimate income.

If it is determined that the family receives no income from gifts, contributions, or any other source, the family will be required to complete, sign, and date a statement of zero family income. Such families will be required to maintain all receipts for any expenses (e.g., food and clothing, utility bills) for the most recent three (3) months. This amount, excluding any food stamps or the PHA Utility Allowance payments, will be annualized to determine annual income. Zero income families will be reevaluated every ninety (90) days to determine if there are any new sources of income. The reevaluation may include an inquiry to the Department of Labor.

1. If a family reports that it does not have an income, all adult members will be required to sign a no income affidavit, and answer all questions on a zero income questionnaire and execute a temporary ninety (90) day recertification.
2. Family members 18-25 years of age who are attending school full-time may not be required to report income status every ninety (90) days.
3. Where outside sources are paying bills or donating household goods on a regular basis, the value of these contributions will be included as annual income.
4. For zero income families, if there is an increase in income greater than ten (10%) percent and is entirely from unearned income, then the PHA must conduct an interim reexamination, unless the family is within the last 3 months of income certification period.

SECTION 10. NOTIFICATION OF ELIGIBILITY

After completing the screening process, the PHA will, in writing, promptly notify applicants, both ineligible and eligible, of the results of the screening. This will be done as follows.

A. Ineligible Applicants

The PHA will promptly notify, in writing, any applicant determined to be ineligible for admission to a development of the basis for such determination within ten (10) calendar days, and will provide the applicant, upon request, an opportunity for an informal review on such determination.

1. Informal review for denial of admission due to ineligibility, other than non-citizen eligibility:
 - a. If the PHA determines that an applicant does not meet the criteria for admissions, the PHA must promptly provide the applicant with written notice of the determination.
 - b. The notice must contain a brief statement of the reasons for the determination, and will state that the applicant has the right to meet with the PHA's designated person to review it.
 - c. If the meeting is requested, it must be conducted by a person or persons designated by the PHA. Those designated may be an officer or an employee of the PHA, including the person who made or reviewed the determination, or his or her subordinate.
 - d. The procedures must be carried out in accordance with HUD's requirements.
 - e. The applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, familial status, or disability.
2. Informal Hearing Procedures for Applicants Denied Assistance for Non-Eligible Immigration Status.
 - a. Requests for an informal hearing will be personally presented either orally or in writing, to the PHA's central office so that the grievance may be discussed informally.
 - b. The applicant shall be provided a hearing before any person(s) designated by the PHA (including an officer or employee of the PHA), other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.
 - c. The applicant shall be provided the opportunity to examine and copy at the applicant's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the applicant's eligibility status, or in the possession

of the CIS (as permitted by CIS requirements), including any records and regulations that may be relevant to the hearing.

- d. The applicant shall be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- e. The applicant shall be provided the opportunity to controvert evidence relied upon by the PHA and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.
- f. The applicant shall be entitled to be represented by an attorney, or other designee, at the applicant's expense, and to have such person make statements on the applicant's behalf.
- g. The applicant shall be entitled to arrange for an interpreter to attend the hearing, at the expense of the applicant or the PHA, as may be agreed upon by both parties.
- h. The applicant shall be entitled to have the hearing recorded by audiotape (a transcript of the hearing may, but is not required to be provided by the PHA).
- i. The PHA shall provide the applicant with a written final decision, based solely on the facts presented at the hearing within fourteen (14) days of the date of the informal hearing.
- j. A decision against a family member, issued in accordance with 24 CFR 5.514(d) does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.
- k. If the family chooses not to continue to contend eligible immigration status, the family may be offered pro-rated housing assistance, if at least one family member is a U.S. citizen or has eligible immigration status (not a non-citizen student).

B. Eligible Applicants

When a determination has been made that an applicant is eligible and satisfies all requirements for admission, including the resident selection criteria, the applicant will be notified, in writing, of the approximate date of occupancy insofar as that date can be reasonably projected.

C. Resident Orientation

Eligible applicants selected for admission will be required to participate in an orientation program (if provided by the PHA) to acquaint new resident families with the policies herein; the Lease Agreement; maintenance procedures; services provided by the PHA; Grievance Procedures; resident rights, responsibilities and obligations; and the operation of heating, cooling, and plumbing equipment in the units.

SECTION 11. TYPES OF DEVELOPMENTS AND REQUIREMENTS

Housing Authorities typically have several types of housing developments and dwelling units and admission requirements for these may be different. The following outlines requirements for general occupancy developments, developments for the elderly, and units designed for the disabled.

A. General Occupancy Developments

1. The PHA will not give elderly families or non-elderly families a preference over single applicants for admission to general occupancy developments.
2. An elderly family that wants to, or needs to, be admitted to a general occupancy development must be considered on the same basis as any other family.
3. If units of appropriate sizes are available in both a general occupancy development and a development for the elderly, elderly families with children or young disabled family members may choose to be housed in the general occupancy development. For example, the general occupancy development might have other children, a playground, etc.

B.

1. Selection Preference for Mixed Population Developments

- a. The PHA is required to give preference to elderly families and disabled families equally in determining priority for admission to mixed population developments. No limit will be established on the number of elderly or disabled families who may be accepted for occupancy in such developments.
- b. When offering units in mixed population developments, the PHA will first offer units with accessible features to persons with disabilities who require the accessibility features of the unit.

2. Discretionary Preference for Near Elderly Families in Mixed Population Developments

A near elderly person(s) is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

- a. In no event will the PHA admit a near elderly family to a development for elderly families if there are eligible elderly families on the PHA's waiting list that would be willing to accept an offer of a suitable vacant unit in a mixed population development.

- b. When the PHA determines that there are not enough elderly families to fill all of the units that are currently vacant or expected to become vacant within the next twelve (12) months, the PHA will give near elderly families a preference for admission to mixed population developments.
- c. Before electing to give near elderly families such a preference, however the PHA will conduct outreach to attract eligible elderly families, including:
 - (1) Those groups that historically have been the least likely to apply; and
 - (2) Where appropriate, elderly families residing in general occupancy developments.
- d. If the PHA elects to give near elderly families a preference for admission to a mixed population development, the PHA will apply the preference when it selects applicants for admission from among near elderly families.

3. Discretionary Preference for Near Elderly Single Persons in Mixed Population Developments

If a near elderly applicant is a single person, as that term is defined in HUD regulations, the near elderly single person is given a preference for admission over other single persons to mixed population developments.

- 4. The PHA will not set a minimum age (such as 50 or 55) for the admission of persons who are disabled to mixed population developments.
- 5. The PHA will not exclude families with children from mixed population developments, provided such developments have dwelling units of the appropriate sizes for such families.

C. Units Designed For the Handicapped or Disabled

- 1. Without incurring vacancies, the PHA will make every reasonable effort to provide dwelling units which are specially designed for families with physically disabled members who require such units.
- 2. The PHA may provide a dwelling unit designed for the disabled to a family which includes a mobility impaired person (such as a child or a grandparent who uses a wheelchair) even though the family head or spouse is not disabled.
- 3. When there are not enough disabled applicants to fill units especially designed for such persons non-disabled applicants may be offered such units. However, it must be made clear to the family that when another unit becomes available which meets the family's needs, they will be required

to move if the accessible unit is needed for a family with a member who has a disability. The lease agreement will be modified to reflect this requirement.

4. Should there be a disabled applicant or resident needing a unit with special features, that applicant/resident will be offered the unit prior to transferring a family or individual who is over-housed or under-housed.

SECTION 12. OCCUPANCY STANDARDS

The PHA's occupancy standards specify the minimum and maximum number of household members who will be permitted to occupy dwelling units of various sizes, depending on family size, composition and extenuating circumstances, such as the ages, sexes, and disabilities of household members. These standards are as follows.

- A. Subject to the guidelines listed below, the number of persons occupying dwelling units of various sizes (number of bedrooms) will be as follows:

Number of Bedrooms	Minimum No. Of Persons	Maximum No. Of Persons
0	1	1
1	1	3
2	2	4
3	3	6
4	5	8

- B. Units will be assigned so that persons of the opposite sex, other than husband and wife, will not be required to occupy the same bedroom, except for minors under the age of five (5) years. Minors older than three (3) years of age may share the same bedroom with an adult of the same sex, at the discretion of the family.
- C. Every family member, regardless of age, will be counted as a person. For the purpose of establishing the unit size for a family, an unborn child will not be counted as a member of the family household.

- D. Normally, two persons will be assigned to each bedroom.

Persons of opposite sex, over six (6) years of age will not occupy the same bedroom, except where no unit of a suitable size is available for transfer of the family.

Children who are not of the same sex will share a bedroom until the eldest is six (6) years of age.

- E. A live-in aide who is not a family member normally will be provided a separate bedroom.
- F. For reasons of health (old age, physical disability, etc.), a separate bedroom may be provided for individual family member, as verified by a medical professional.
- G. When the PHA determines that a family is over-housed or under-housed according to the above standards, the PHA will require the family to transfer to a unit of the appropriate size. Transfers of this nature will be effective prior to voluntary or family requested transfers.

- H. Foster children will be counted as family members in determining the bedrooms to be assigned.
- I. If the PHA is unable to fill units with families of appropriate sizes and types, it will house eligible families of the most nearly appropriate sizes on a temporary basis. Each such family will be informed, before moving in, of the dwelling lease agreement "to transfer to an appropriate size dwelling unit, based on family composition, upon appropriate notice by PHA that such a dwelling unit is available."
- J. Exceptions to the minimum standards will be made if they are necessary to provide reasonable accommodation for a person with disabilities.
- K. A single head of household shall not be required (but may choose) to share a bedroom with his/her children.
- L. Additional bedrooms are not provided for visitors or guests. Residents will be allowed to have visitors for a period of up to fourteen (14) cumulative days in any twelve (12) month period, except in the case of a family member requiring care during illness or recuperation from illness or injury as certified by a medical professional. Written permission must be obtained from the PHA for any deviation from the occupancy standards included in this policy which may result from the presence of the temporary care giver in the unit.

SECTION 13. OFFERING THE UNITS (TENANT SELECTION AND ASSIGNMENT PLAN)

As dwelling units become available for occupancy, responsible PHA employees will offer units to applicants on the waiting list. In accordance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA), the PHA encourages occupancy of its developments by families with a broad range of incomes. At a minimum, forty percent (40%) of all new admissions on an annual basis will be families with incomes at or below thirty percent (30%) (extremely low-income) of the local area median income (See Appendix D for Income Limits). The offer of assistance will be made without discrimination because of race, color, religion, sex, national origin, age, disability or familial status.

No family other than a low-income family, as defined in regulations, is eligible for admission to Low-Rent Public Housing units.

In any given year, at least forty percent (40%) of a PHA's admissions to the Public Housing Program will be low-income families.

The percentage of admissions of extremely low-income families to the Public Housing Program may be decreased by up to ten percent (10%) when more than seventy-five percent (75%) of extremely low-income families are admitted to the HCV program in the PHA's fiscal year. The percentage of extremely low-income families admitted to the Public Housing Program can never be less than thirty percent (30%) in a fiscal year.

The credit for Voucher program admissions that exceed the minimum Voucher program targeting requirement shall not exceed the lower of:

- 10% of public housing waiting list admissions during the PHA's fiscal year; or
- 10% of waiting list admission to the PHA's Section 8 tenant-based assistance program during the PHA's fiscal year; or
- The number of qualifying low-income families who commence occupancy during the fiscal year of the PHA's public housing units located in census tracts with a poverty rate of 30% or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

D. The applicant will not be considered to have been offered a suitable unit if:

1. The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily (e. g., a specially designed unit that is awaiting a disabled applicant needing such a unit).
2. The unit contains lead-based paint, and accepting the offer could result in subjecting the applicant's children under seven (7) years of age to lead-based paint poisoning.
3. The applicant is unable to move at the time of the offer and presents clear evidence, which substantiates this to the satisfaction of the PHA.
Examples:
 - a. A physician verifies that the applicant has just undergone major surgery and needs a period of time to recuperate; or
 - b. A court verifies that the applicant is serving on a jury which has been sequestered.

E. Request For Exception

Except with the prior approval of HUD, no low-income family, other than a very low-income family shall be admitted to these units.

A request by a PHA or owner for approval of admission of low-income families other than very low-income families to units described in the above paragraph must state the basis for requesting the exception and provide supporting data.

Requests for exception that may be considered included:

- Need for admission of broader range of residents for full occupancy;
- Local commitment to house families with a broad range of income;
- Need for higher incomes for home-ownership;
- Need to avoid displacing low-income families from project acquired by the PHA for rehabilitation.

F. HUD's Granting of an Exception Is at Its Sole Discretion

The McAllen Housing Authority's shall comply with HUD prescribed reporting requirements so that HUD may maintain reasonably current data.

SECTION 14. RENTAL FEES AND OTHER CHARGES

The following outlines the policies and procedures for calculating rental fees and other charges to be paid by PHA residents.

A. Tenant Rent

The amount of rent payable by the resident to the PHA will be the Tenant Rent, as defined in the PHA's Definitions section of these policies and calculated in accordance with these policies. Each resident family is required to pay a minimum rent of \$50.00, the calculation of which includes any applicable utility allowance for paid utilities. Should the applicable utility allowance exceed the minimum rent, the PHA will provide the difference to the family.

Rent is due and payable on the 1st of the month and is delinquent if not paid by the close of business on the 5th business day of the month. On the 6th business day of the month a late fee of \$ 5.00 will be assessed and \$1.00 per day thereafter, to a maximum of \$25.00.

The PHA's policy does not allow acceptance of cash for rent or other charges. Rental and other payments will be accepted only in the form of money orders, cashiers checks or personal checks. Personal checks may be presented until or unless more than one Non-Sufficient Funds (NSF) check is presented. An NSF fee of \$ 25.00 will be assessed against the resident's account. The resident will then be required to make payment using money orders or cashiers checks for a probationary period to be determined after consultation.

B. Flat Rent or Income Based Rent

1. The amount payable monthly by the family as rent to the PHA is selected annually by the family from the following options:

- a. Flat Rent: Rent, as determined by the PHA, which is based on the market value of the unit. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the PHA operates and where the PHA could lease the public housing unit after preparation for occupancy. However, flat rents may be less than the rental market value to be an incentive to stay in place.

The PHA will not pay a utility reimbursement for a family that has chosen to pay a flat rent for its unit.

Families choosing flat rents generally will be re-certified once every three (3) years, but the PHA reserves the right to conduct such re-certifications more frequently. Family composition, community service, self-sufficiency and other criteria related to continued occupancy will be verified annually. (The schedule of Flat Rents by unit size, type, and development is found in

Appendix F.) Note that Annual Inspections of unit conditions shall still be performed.

- b. Income-based Rent: Rent which is based on the family's income as determined by the PHA based on the PHA's rent policies, which may specify a percentage of income, include a schedule of rents, involve depositing a portion of the Tenant Rent to an escrow account, imposing a ceiling on Tenant Rents, adopting permissive income deductions, etc. The income-based rent plus any applicable utility allowance will not exceed the Total Tenant Payment (TTP) as determined by the statutory formula.

The income-based rent levels, as adopted by the PHA, will be identified in a separate policy adopted by the PHA's Board of Commissioners and incorporated by reference in this into policy.

2. The PHA will provide, through its orientations, individual counseling and written notices, sufficient information to allow families to make an informed choice of rent payment options. At a minimum, families will be advised of the dollar amounts of Tenant Rent for the family under each option; and, the PHA's policies on switching the type of rent in circumstances of financial hardship.
3. If the PHA determines that the family is unable to pay the flat rent because of financial hardship, the PHA will switch the family's rent from flat rent to income-based rent on the first of the month following verification of the change. Once a family switches from flat rent to income-based rent due to financial hardship, the family must wait until its next annual option to select the type of rent they choose to pay. **Under HUD's COVID-19 Statutory and Regulatory Waivers and Alternative Requirements, the PHA may give families no more than two opportunities to choose between a flat rent and an income-based rent within the same one-year period.**
4. The PHA has established the following policies for determining financial hardship circumstances:
 - a. The family's income has decreased because of changed circumstances, loss or reduction of employment, death in the family which results in income reduction or funeral expenses; and reduction in or loss of earnings or other assistance;
 - b. The family has experienced an increase in expenses, because of changed circumstances, for un-reimbursed medical costs, child care, transportation, education, or similar items;
 - c. The PHA may include other reasonable financial hardship circumstances which may be applied on a case by case basis at management discretion.

C. Total Tenant Payment (TTP)

The Income-Based TTP for families shall be the highest of the following, rounded to the nearest dollar:

1. Thirty percent (30%) of Monthly Adjusted Income; or
2. Ten percent (10%) of Monthly Income;
3. Welfare rent (in as-paid welfare states); or

When welfare rent is the higher, the PHA will recalculate rent once after the welfare department recalculates welfare based on the PHA's initial rent determination. In some states, the welfare benefit of need is greater than the amount the State will pay. In those states, a percentage reduction is applied to the basic standard of need to determine the amount the eligible family will receive. For example, the basic standard of need for a family of four might be determined to be \$600, but the available funds may only allow for 80% of that amount or \$480. The PHA would then use the lesser amount for rent calculation purposes.

4. A minimum of \$50.00;

The minimum rent requirement may be waived under certain circumstances providing that the family requests the waiver in writing prior to the rent becoming delinquent. Financial hardship status is to be granted immediately for ninety (90) days in the event of the following:

- a. The family is awaiting an eligibility determination to receive federal, state or local assistance, including legal aliens entitled to receive assistance under the Immigration and Nationality Act;
- b. Family income decreases due to changed circumstances such as separation, divorce, abandonment;
- c. Loss of employment;
- d. Eviction resulting from non-payment of rent;
- e. Other situations determined by the PHA on a case by case basis, i.e. alimony, child support, etc.

Financial hardship exemption only applies to payment of minimum rent - not to rent based on the formula for determining the Total Tenant Payment (TTP).

5. If a family initiates a request for a hardship exemption that the PHA determines is temporary in nature:
 - a. Rent may be suspended, but the exemption for non-payment of minimum rent will not be granted during the ninety (90)-day period beginning on the day the request is made.
 - b. The family may not be evicted for non-payment of rent during this ninety (90)-day period.

- c. If the hardship is subsequently determined to be long-term, the PHA will retroactively exempt residents from the minimum rent requirement for the ninety (90)-day period.
 - d. In the case of a temporary hardship, the PHA will allow the family a maximum of six (6) months to make payment of any delinquent minimum rent payments accrued during the suspension period. However, the family must execute a repayment agreement.
6. A family who appeals a financial hardship determination through the PHA's grievance procedure is exempt from any escrow deposit that may be required under regulations governing the Grievance Procedures for other determinations.

D. Special Reexamination

If, at the time of admission, a family's existing conditions of employment are too unstable to develop the adjusted income into the coming twelve (12)-month period for the purpose of determining TTP, the PHA will schedule a special reexamination. This special reexamination will take place within 30, 60, or 90 days of admission, or at a date by which the PHA estimates that the family's circumstances will be stable. If at the time of such special reexamination it is still not possible to make a reasonable estimate of adjusted income, special reexaminations will continue to be scheduled until a reasonable estimate of the adjusted income can be made. Rents determined at special reexaminations shall be made effective the first of the second month following the final rent determination unless the rent determination is a reduction. In that case, the effective date will be the first of the month following the reexamination verification. Until the final rent determination can be made, the family will pay rent based upon the existing adjusted income.

Persons reporting zero income will have their circumstances reexamined every thirty (30) days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. This form will ask residents to estimate how much they spend on food, beverages, transportation, health care, child care, debts, household items, etc. Residents will then be asked how they pay for these items.

E. Charges In Addition To Rent

1. The PHA's dwelling lease imposes charges for, (1) the late payment of rent and NSF check charges; (2) security deposits; (3) charges for maintenance and repair beyond normal wear and tear; (4) pet security deposits; and (5) the payment of all court costs, expenses and attorney fees incurred in enforcing the dwelling lease or in recovering possession of the premises, if ordered by the court, unless the resident prevails in such legal action.
2. The PHA will provide basic pest control services without charge to its

residents. PHA employees or contractors will perform the services after obtaining any required permit or licenses, or via contract with an authorized, reliable pest control service. If a resident's housekeeping habits are such that insects and/or vermin persist, even after treatment of the dwelling unit by the PHA, then that particular resident may be charged the actual cost of any additional service(s) provided.

3. The security deposit is made upon occupancy and the pet security deposit and/or fee is paid in full prior to the pet being brought into the unit. Arrangements for partial payments of security deposits may be considered on a case by case basis. Partial payments for pet security deposits or fees will be considered on a case-by-case basis. Security deposits for a pet are not charged if the animal is determined to be a service animal needed by a person with a disability.
4. The payment of court costs by the resident occurs only when the PHA takes action against the resident and prevails.
5. The other charges listed above will not become due and payable before the first day of the second month following the month in which the charge or charges incur and two (2) weeks after the PHA notice is provided to the resident.
6. The resident will be left a copy of the work order with charges or will be invoiced by the PHA.
7. Appendix A contains the PHA's list of Charges in Addition to Rent.

SECTION 15. SECURITY DEPOSIT

- A. The PHA requires that their residents pay a security deposit. The purpose of this deposit is to reimburse the PHA for any resident-caused damage to the dwelling unit, unpaid rent and other unpaid charges when a resident vacates the unit. Requirements concerning deposits follow.

- B. The PHA currently requires all resident families to pay a Security Deposit of \$100.00 before occupancy occurs. Elderly/Disabled families are required to pay a Security Deposit of \$50.00. The PHA may provide for the gradual accumulation of the Security Deposit by a resident on a case-by-case basis, not to exceed three (3) months.
 - 1. The PHA will deposit the Security Deposit paid by a resident in a bank or other lending institutions. It will maintain full, accurate and detailed accounting records with respect to the Security Deposit paid by each resident.
 - 2. The PHA will not pay a resident interest on a security deposit deposited in an account in a bank or other lending institution.
 - 3. The PHA will not use the security deposit for any purpose whatsoever while the resident continues to occupy a dwelling unit.
 - 4. When the resident vacates the premises, the PHA will refund the security deposit to the resident in accordance with state law, provided the following conditions have been met:
 - a. The PHA and the resident have inspected the dwelling unit and the PHA attests that there are no resident-caused damages, or if there are such damages, the resident has paid the PHA for the cost of the necessary repairs and/or replacements to the dwelling unit.
 - b. The resident does not owe the PHA rent or other charges.
 - c. The dwelling unit and all equipment therein have been left reasonably clean and free of all trash and debris.
 - d. The resident has returned all keys to the dwelling unit and any or all tools, supplies and equipment borrowed from the PHA.
 - 5. If a resident dies leaving a security deposit and all of the above conditions prevail, the PHA will dispose of the security deposit in accordance with state laws, rules and regulations pertaining to the resident's estate.

SECTION 16. UTILITY ALLOWANCES

A. General Policy

Allowances for resident-purchased utilities represent fixed dollar amounts which are deducted from the total Tenant Rent chargeable to a resident who pays the actual utility charges directly to the utility suppliers. (See Appendix B)

The information which follows does not apply to dwelling units which are served by PHA-furnished utility, unless check-meters are installed to measure the actual utilities consumption for the individual dwelling units, except that residents in such units will be subject to charges for the consumption of resident-owned major appliances, or for the optional functions of PHA-furnished equipment such as air conditioners.

The PHA will take the following actions with respect to allowances:

1. For all check-metered utilities, establish consumption allowances for PHA-furnished utilities.
2. For all utilities purchased directly by residents establish utility allowances for resident-purchased utilities.
3. Maintain a record of the basis on which allowances and scheduled surcharges are established and revised, plus records of any revisions to the allowances and scheduled surcharges. The PHA will make such records available for inspection by residents.
4. Notify all residents of proposed allowances, scheduled surcharges and revisions. Transmit the notice to residents not less than sixty (60) days prior to the proposed effective date of the allowance, scheduled surcharges or revisions and describe the basis for determining these.

Include in the notice a statement of the specific items of equipment and functions whose utility consumption requirements were included in determining the allowances, scheduled surcharges or revisions. Also include the name and address of the place where the PHA maintains, and residents may inspect, records pertaining to these matters.

5. Provide all residents an opportunity to submit written comments at least thirty (30) days before the proposed effective date of the allowances, scheduled surcharges or revisions.
6. Maintain the resident comments and make them available for inspection by the residents and HUD.
7. Establish separate allowances for each utility, and for each category of dwelling units, which are reasonably comparable in utility usage.

8. Establish allowances for both PHA-furnished utilities and resident-purchased utilities so that they include a reasonable amount of consumption for:
 - a. Major equipment or utility functions furnished by the PHA for all residents, such as a heating furnace and a hot water heater;
 - b. Essential equipment, whether or not furnished by the PHA, such as a cooking stove, range or refrigerator; and
 - c. Minor items of equipment furnished by residents, such as toasters, radios and television sets.
9. In establishing allowances, take into account relevant factors affecting consumption requirements, such as the equipment and functions to be covered by the utility allowance; the local climate; design and construction of the housing development; energy efficiency of appliances and equipment; utility consumption requirements of appliances and equipment to be covered by the TTP; insulation, weatherization and other physical aspects of the housing development; and temperature of domestic hot water, size of units; and number of occupants.
10. Incorporate into the utility allowance the full price of any utility for which the resident pays a fixed price. For example, garbage collection cost.
11. For dwelling units that are subject to consumption allowances for PHA-furnished utilities and have check meters installed, establish surcharges for utility consumption in excess of the allowances. Base surcharge on the PHA's average utility rate; compute the surcharge on the PHA's average utility rate; compute the surcharge on either a straight per unit-of purchase basis (such as so many cents per kilowatt hour of electricity), or on a stated block of excess consumption, and describe in the PHA Schedule of Surcharges the basis for calculating such surcharges.
12. For dwelling units which are served by PHA-furnished utilities and have no check-meters installed, establish a Schedules of Surcharges. Such schedules indicate the additional dollar amounts residents will be required to pay, on the basis of the estimated utility consumption attributable to resident-owned major appliances or optional functions, such as air conditioning or PHA-furnished equipment. In such Schedules of Surcharges, state the resident-owned equipment or PHA-furnished equipment for which surcharges will be made, and the amounts of such surcharges, based on the PHA's cost of the utility consumption estimated to be attributable to the reasonable use of equipment.
13. At least annually, review the basis on which the utility allowances has been established, and if necessary to adhere to the above standards, revise the allowances.

Include in the review all changes in circumstances, such as the completion of a modernization program, energy conservation measures, and changes

in utility rates. Following the annual review, the PHA will adjust the utility allowances if there is a ten percent (10%) or more change in the rates of one or more utilities.

14. On a case-by-case basis, grant individual resident relief from the surcharges for excess consumption of PHA-furnished utilities, or from the payment of utility supplier billings in excess of the allowances for resident-purchased utilities, on such reasonable grounds as the PHA deems appropriate. For example, special needs of the elderly, disabled, or special factors affecting utility usage that are not within the control of the resident. (Examples: use of a battery charger for recharging electric wheelchair batteries or use of oxygen equipment.)
15. If a resident's TTP is less than the resident's allowance for utilities, pay the resident a utility reimbursement, i.e., the difference between the TTP and the allowance for utilities. The PHA's present utility allowances, by developments, and by bedroom size are listed in Appendix B.
16. Utility Reimbursement. The PHA has the option to pay the utility reimbursement to the family or directly to the utility company. Utility Reimbursement Payments per 24CFR 960.253 & 982.514. Where the Utility Allowance exceeds the family's Total Tenant Payment, the PHA will provide a Utility Reimbursement Payment for the family each month for allowances that total more than \$15 dollars monthly. For allowances that are less than \$15.00 monthly the PHA will combine the amounts and pay Quarterly in the months of March, June, September and December. A family can request a Hardship exemption in writing as per 24CFR5.630 (b) (2), family requesting Hardship exemption will be reimbursed monthly. The check will be made out directly to the tenant.
17. When a resident makes application for utility service in his/her own name, he/she shall sign a third-party notification agreement so that the PHA will be notified if the resident fails to pay the utility bill.

B. Reasonable Accommodation of Residents with Disabilities

Upon a request from a family that includes a disabled or elderly person, the PHA will approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR Part 8 to make the program accessible to and useable by the family with a disabled family member.

Residents with disabilities will not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

SECTION 17. DWELLING LEASE**A. Dwelling Lease Term, Renewal, Modification and Termination**

Each dwelling lease has a twelve (12) month term which will be renewed upon the recertification as an eligible family for all purposes except non-compliance by an adult member with the community service requirements. The PHA's Dwelling Lease meets HUD requirements on dwelling leases, procedures, and requirements. The McAllen Housing Authority incorporates the regulatory provisions in all leases for dwelling units assisted under the U. S. Housing Act of 1937, as amended, in developments owned by or leased to the PHA and leased or sublet to residents. The PHA can modify the lease, and any other documents referenced therein, at any time during the lease term provided that the PHA provides the required notice to residents and resident organizations and considers their comments before adopting the new lease. The lease may be modified at any time by written agreement of the resident and the PHA. The PHA may terminate tenancy if the resident refuses to accept a revision to the lease after being given at least sixty (60) days notice of its proposed effect and being allowed a reasonable time to respond to the offer.

B. Policies

The Public Housing Lease Contract "policies" are implemented for each resident as follows:

1. At admission, for new residents;
2. At the next regularly scheduled annual reexamination of income, for present residents;
3. At the time of transfer, for any resident moving from one dwelling unit in a development to any other dwelling unit in a development.

C. Thirty (30) day Display and Comment Period

The PHA provide at least thirty (30) days written notice to residents and resident organizations of any proposed changes in the dwelling lease. Residents and resident organizations can present written comments on the proposed changes to the PHA during this thirty (30) day period. The PHA will take into consideration all comments before adopting any new lease. If any change in the resident's status results in the need to change or amend any provision of the lease, or if the PHA desires to waive a provision with respect to the resident, (1) the existing lease is to be canceled and a new lease executed, or (2) an appropriate rider is to be prepared and executed by the resident and PHA and made a part of the existing lease.

D. Lease Agreement Contents

The dwelling lease, executed by the PHA and each adult resident of a dwelling unit, will contain the provisions with respect to the following subjects:

1. Description of Parties and Dwelling Units;
2. Members of the Household Who Will Reside in the Unit;
3. Rental Payments, Late Charges, Lease Term and Renewal;
4. Security Deposit;
5. Utilities;
6. Maintenance, Repairs, and Services;
7. Re-determination of Rent, Dwelling Size, and Eligibility;
8. Occupancy of the Dwelling Unit and Resident Obligations, including Community Service Requirements;
9. PHA Obligations;
10. Defects Hazardous to Life, Health, and Safety;
11. Entry of Dwelling Unit During Occupancy;
12. Abandonment and Abandoned Property;
13. Notice Requirements;
14. Notice Procedures;
15. Termination of Lease;
16. Grievance Procedures;
17. Modification of the Lease;
18. Accommodation of Persons with Disabilities;
19. Warranties and Representation of the Resident;
20. PHA's Commitment to Investigate Misrepresentations and Pursue Remedies; and
21. Solicitation, Trespassing and Exclusion of Non-Residents

E. Additional Mandatory Lease Provisions

1. Persons convicted of manufacturing or producing amphetamine on the premises of public housing will have their assistance permanently terminated.
2. Any person residing in public housing identified by the PHA as having fled to avoid prosecution, custody or confinement after a conviction of a felony, and/or in violation of a condition of probation or parole imposed under Federal or State law will have their lease terminated.
3. Any person in the household or guest determined to have tampered with, destroyed or removed batteries from any smoke detector will be charged a reactivation charge of \$25.00. Any second offense will result in the termination of the lease.
4. The PHA will notify the Post Office of any family evicted for criminal and/or drug/alcohol abuse.

5. All household members will be required to sign and abide by the PHA Public Housing Smoke Free policy as a condition of admission and continued occupancy in the Public Housing Program.

F. Specific Data Required

Each lease shall specify the unit to be occupied, the date of admission, the size of the unit to be occupied, all family members who will live in the unit, the TTP or Tenant Rent (whichever is applicable), security deposit to be charged, the utility allowances, other charges under the lease, and the terms of occupancy. It shall be explained in detail to the applicant and his/her family before he/she executes the lease. The lease shall be kept current at all times. The Head of Household of each family accepted as a resident is required to execute a lease agreement prior to actual admission. All household members eighteen (18) years of age or older will be required to sign the lease. One copy of the lease will be given to the lessee and the original will be filed as part of the permanent records established for the family.

G. Cancellation of Lease

Cancellation of the lease will be in accordance with the provisions of the lease the resident has signed.

SECTION 18. REDETERMINATIONS

To assure that residency in the community is restricted to families meeting the eligibility requirements for continued occupancy and that such families are charged appropriate rents, the eligibility status and the adjusted income for all residents who are paying income-based rents are to be examined and re-determined at least once every twelve (12) months. Families paying flat rents are to have their family composition, community service, self-sufficiency and other criteria related to continued occupancy, redetermined annually and must be reexamined and have their income re-determined at least every three (3) years. At its option, the PHA may establish a policy requiring re-determinations of families paying flat rents at more frequent intervals, but not more frequently than annually unless the family requests a redetermination based on hardship circumstances. In the event the resident(s) fails to participate in the recertification interview and/or to provide information required by the PHA, the PHA may establish the resident's rent based upon local market rents or actual operating cost, whichever is higher, until the matter is resolved, or the PHA may terminate the resident(s) from the program.

A. Provisions

The following requirements apply to all residents.

1. If the resident's household adds a new member(s) who is at least six (6) years of age, the resident must submit to the PHA, at the next interim reexamination that includes the new member(s):
 - a. The complete and accurate Social Security Numbers assigned to each new member, and the documentation necessary to verify the SSNs for each new member; or
 - b. If the new member(s) has not been assigned a SSN, they must complete a verification form stating that the individual does not have a SSN.
2. The effective date of an annual reexamination requires a thirty (30) day notice prior to the effective date. Rent increases or decreases are always effective the first day of the month.
3. Community Service Requirement

Under HUD's COVID-19 Statutory and Regulatory Waivers and Alternative Requirements, the PHA may utilize the waiver. As such, if the PHA chooses the waiver, tenants will not be subject to this requirement at the family's next annual reexamination.

The PHA will provide written notice to all applicants and residents of the community service requirement and describe the process to change exemption status of family members. The PHA will determine compliance once each twelve (12) months with community service and self-sufficiency requirements. For those residents paying flat, ceiling or market rents, and who are determined to be required to comply with performing community service, an annual review of status will be

performed twelve (12) months after the initial determination and every twelve (12) months thereafter. Self-certification by residents of compliance is acceptable per PIH Notice 2016-06; third-party certification must be provided by the entity with whom the resident is working.

Existing documentation will be accepted as evidence of disability and self-certification of inability to perform community service is acceptable; however, disabled family members not yet officially classified as such do not meet the requirements for automatic exemption and are required to provide verification from a medical or service provider of their inability to perform under the community service requirements. The effective date of participation for all non-exempt residents is the date the lease containing this requirement is executed by the family after the effective date. It should be noted that new admissions, as well as families in occupancy, are affected by this requirement. As a general rule, the new lease will be executed for new admissions on or after the PHA's fiscal year which begins after October 1, 2000 and for current residents at the time of their annual re-determination or other interim re-determination after that date.

An economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work experience for such families. It includes any work activities as defined in the Social Security Act. For purposes of this requirement a combination of Community Service and/or participation in economic self-sufficiency programs may be counted toward the eight (8) hours per month requirement.

The PHA may provide a guidance list of acceptable activities or advance approval of a community service activity to avoid the possibility of refusing to recognize the activity as eligible after it was performed by the resident.

This approval may help to ensure that the activity is not performed under conditions that would be considered hazardous, work which would normally be performed by PHA staff, or work which is otherwise unacceptable. The PHA may not allow a family to build credits toward this requirement by working more or less than eight (8) hours per month.

The PHA has a separate policy on the Community Service requirements that is incorporated by reference into this policy.

Exempted from the community service/self-sufficiency requirements are:

- a. The elderly, age sixty-two (62) years of age or older, blind or disabled as defined under law and who are unable to comply;
- b. The caretakers of such elderly, blind or disabled individuals;
- c. Individuals/families receiving public assistance who are in compliance with state or TANF requirements;
- d. Family members who are employed, in educational or training

programs or in self-sufficiency activities for eight (8) hours or more per month.

4. Adjustments resulting from changes in welfare benefits will be handled as follows:
 - a. A family's loss of welfare benefits due to the expiration of the lifetime time limit is not considered as a failure to comply. The PHA will lower the family's rent.
 - b. A family whose welfare benefits are reduced because of fraud will not have its rent reduced.
 - c. A welfare agency may reduce welfare benefit payments to sanction a family for non-compliance with welfare self-sufficiency or work activities requirements. The rental contribution of a family assisted in the public housing program may not be reduced for this reason. The law requires that family income include the amount of the welfare benefits that would have been paid if not for the welfare agency sanction. For purposes of this section, the PHA will use the "imputed welfare income" (see definitions) to determine the family's annual income.
 - d. A family's annual income includes the imputed welfare income plus the total amount of other annual income; however, the amount of imputed annual income is offset by income from other sources received by the family that start after the sanction is imposed.
 - e. The family's rent will not be adjusted until the basis for the reduction is confirmed through third-party verification. At the request of the PHA, the welfare agency is to inform the PHA in writing of the amount and term of any specified welfare benefit reduction and the reason for such reduction. Therefore, the PHA is entitled to base its imputed income on the information provided to it by the welfare agency and is not responsible for confirming the accuracy of the welfare agency's calculation.
 - f. The PHA must make its best effort to enter into cooperation agreements with welfare agencies to comply with this requirement.
 - g. If a family claims that the PHA has not correctly calculated the amount of the imputed welfare income, and if the PHA denies the family's request to modify such amount, the PHA will notify the family in writing with a brief explanation of the basis for their determination. The notice must state that the family has the right to a hearing through the PHA's Grievance Procedures without paying a deposit in escrow.
5. If the PHA determines that a resident has falsified or misrepresented family income, composition, circumstances, conduct, or behavior, the PHA will:
 - a. Require the resident to pay the difference between the TTP the resident is currently paying and the TTP the resident should have been paying;

- b. Evict the resident, in accordance with state law and HUD regulations; or
 - c. Take such other remedial action as the PHA may deem necessary, under pertinent HUD and PHA laws, rules and regulations.
6. The family must have demonstrated satisfactory past performance in meeting financial obligations, especially rent.
7. The family must have no record of the disturbance of neighbors, destruction of property, or living or housekeeping habits which adversely affect the health, safety, or welfare of other residents.
8. The family must have no history of criminal activity involving crimes of physical violence to persons or property or other drug-related criminal acts or evidence of a pattern of alcohol abuse which adversely affect the health, safety, or welfare of other residents.
9. If at the time of re-determination, or at any time during occupancy, it is determined by the PHA that any household member has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing, the family is required to have its assistance permanently terminated. Such termination is not subject to the PHA's Grievance Procedures.
10. Any change in income resulting from the re-determination is annualized, even if the income is not expected to last for a full year. If the income changes again, the new amount of monthly income will be annualized again.
11. If at the time of annual recertification a family's present conditions of employment are too unstable to project the adjusted income for the coming twelve (12)-month period for the purpose of determining TTP, a special reexamination will be scheduled. This special reexamination will take place on a date by which the PHA estimates that the family's circumstances will be stable. If at the same time of such special reexamination it is still not possible to make a reasonable estimate of the adjusted income, the PHA will continue to schedule special reexaminations until such time as a reasonable estimate of the adjusted income can be made. TTP determined at special reexaminations shall be made effective the first of the second month following the final determinations.

B. Permissible Deductions

1. In order to encourage economic self-sufficiency among residents of the PHA's public housing units, the PHA may offer deductions to the calculation of the anticipated gross income to adult family members who:
 - a. Have been unemployed for at least six (6) months and seek and secure employment;

- b. Are employed but increase their gross monthly income by at least \$200 per month; or
 - c. Continue their education.
2. These permissible deductions will apply for the first twelve (12) months of new or increased employment except for “a.” below which is a one time exclusion the amount of which will be spread over the twelve (12)-month period.
- a. Child support payments to a person outside the household;
 - b. The actual amount needed for the purchase of uniforms, tools, and/or equipment required for the specific employment which are not paid for or reimbursed by the employer. (This is a one-time exclusion.);
 - c. Amounts paid or deducted from wages to replace benefits lost when transitioning from welfare to work (i.e., healthcare) for the employee and/or family members;
 - d. Amounts paid by the employee for pay-roll deductions which are mandatory. (Optional deductions such as life insurance, voluntary contributions to a 401(k) plan or credit union contributions are not excludable);
 - e. Transportation costs from residence to employment and return, including dropping off and picking up children from day-care. The actual cost of a monthly pass on public transportation or the amount allowed for mileage under IRS rules will be allowed;
 - f. Un-reimbursed childcare paid by a household member for a child who he/she is responsible for but who does not live in the household;
 - g. Partial cost of child-care - the amount in excess of the deduction allowed by the IRS;
 - h. Cost of childcare for older children who would not otherwise be eligible for childcare deductions, if the employed family member works nights;
 - i. The un-reimbursed costs of tuition, books, and fees; and
 - j. Any other reasonable request will be considered on a case by case basis.

C. Interim Rent Adjustments: Fixed Rent System

1. Rent Adjustments

Residents must report all changes in family composition and/or income, in writing, to the management within ten (10) calendar days of the occurrence. Failure to report within the ten (10) calendar days may result in a retroactive rent charge.

2. The PHA will process an interim adjustment in rent if it is found that the resident at an annual or interim reexamination has misrepresented the facts upon which the rent is based so that the rent the resident is paying is less

than the rent that he/she should have been charged. The PHA will apply any increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

3. The PHA will process interim adjustments in rent accordance with the following policy: *Note: In accordance with HOTMA statutory language the PHA may decline to conduct interim reexaminations due to increased income only in the final 3 month of an annual certification cycle.*
 - a. When a decrease in income is reported, and the PHA receives confirmation that the decrease will last less than thirty (30) days, an interim adjustment will not be processed.
 - b. Residents reporting decreases in income that are expected to last more than thirty (30) days will have an interim adjustment processed.
 - c. *Whenever the PHA has estimated that the family's income has increased by ten (10%) percent or more. Note: if the PHA estimates that such increase is not attributable to earned income, an interim reexamination will not occur. If the family has undergone an interim reexamination for a decrease in income, the PHA has discretion regarding whether to count increases in earned income when estimating/calculating whether the family's adjusted income has increased.*
4. **Effective Date of Adjustments**

Residents will be notified in writing of any rent adjustment and such notice will state the effective date of the adjustment.
5. Rent decreases go into effect the first month following the PHA's verification of the reported change. Failure to report a decrease will not result in retroactive action.
6. Rent increases (except those due to misrepresentation) require thirty (30) days notice.

D. Failure to Report Accurate Information

If it is found that the resident has misrepresented or failed to report to management the facts on which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with the PHA's dwelling lease.

E. Preservation of Mixed Families-Calculation of Rent

The following types of assistance are available only to families who were assisted as of June 19, 1995. These types of assistance would be offered a family during

the reexamination process if the family contends that one or more family members do not have legal non-citizen resident status or that no family members have status. The assistance may also be offered when the appeals process with CIS and the Grievance Procedures with the PHA have all been exhausted.

1. Continued Assistance

Continued assistance is available to a mixed family only if all of the following conditions are met:

- a. The family was receiving assistance under a Section 214 covered program on June 19, 1995;
- b. The family's head of household or spouse has eligible immigration status; and
- c. The family does not include any person (who does not have eligible immigration status) other than:
 - The head of household;
 - Any spouses of the head of household;
 - Any parents of the head of household;
 - Parents of the spouse; or
 - Any children of the head of household or spouse.

For continued assistance only, children who are only under guardianship or who are stepchildren, but not natural children of either the head of household or spouse, do not meet the criteria of child for this restricted definition of family.

Continued assistance means the family's rent is calculated in the same manner as a family where all members are eligible.

Families who do not qualify for continued assistance will be offered either prorated assistance or temporary deferral of termination of assistance as outlined in this policy.

2. Prorated Assistance

Prorated of assistance applies to a mixed family who is not receiving continued assistance other than a family who is eligible for requests and receives temporary deferral of assistance. An eligible family who requests prorated assistance must be provided prorated assistance.

The PHA shall prorate the family's assistance as follows:

- Step 1: Determine the TTP in accordance with 913.107(a) (annual income includes the income of all family members including any family member who has not established eligible immigration status).
- Step 2: Subtracting the TTP from the "public housing maximum rent" (as defined by HUD) applicable to the unit or the PHA. (See PHA's Definition section of these policies for further

information on public housing maximum rent.) The result is the maximum subsidy for which the family could qualify if all members were eligible (“family maximum subsidy”).

Step 3: Dividing the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status (“eligible family member”). The subsidy per eligible family member is the “member maximum subsidy.”

Step 4: Multiplying the member maximum subsidy by the number of “eligible” family members.

Step 5: The products of steps 1-4, as set forth here, is the amount of subsidy for which the family is eligible (“eligible subsidy”). The family’s rent is the “public housing maximum rent” minus the amount of the eligible subsidy.

3. The family has a choice to request prorated of assistance at the end of the temporary deferral of assistance period if a good faith effort has been made to locate affordable housing and there is at least one.

SECTION 19. FAMILY DEBTS TO THE PHA

A. Repayment Agreement for Families

1. A Repayment Agreement is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The maximum amount for which the Housing Authority will enter into a repayment agreement with a family is \$1,000.

The maximum length of time the PHA will allow for a repayment agreement with a family is twelve (12) months.

- a. The minimum monthly payment for any repayment agreement is \$85.00, except for the provision below.
- b. A family who requested a hardship exemption for payment of minimum rent will have automatically up to six (6) months to repay any over-due repayment.
- c. Repayment Schedule for Monies Owed to the PHA
- d. Initial Payment Due

<u>(% of Total Amount)</u>	<u>Amount Owed</u>	<u>Maximum Term</u>
40% to 50%	\$0 - \$ 500	3 - 6 Months
35% to 50%	\$501 - \$750	6 - 9 Months
30% to 50%	\$751 - \$1,000	12 Months

2. Late Payments

- a. A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be the close of the next business day.
- b. If the family’s repayment agreement is in arrears, the PHA will:
 - Require the family to pay the balance in-full;
 - Pursue civil collection of the balance due;
 - Terminate the tenancy if the balance is not paid.
- e. If the family requests a transfer to another unit and has a repayment agreement, and the repayment agreement is not in arrears, the family will be required to pay the balance, in-full prior to the unit transfer.
- f. If the family requests a transfer to another unit, and is in arrears on a repayment agreement, the family will be required to pay the balance, in-full, or be terminated from the program.

3. There are some circumstances in which the PHA will not enter into a repayment agreement. These are as follows:

- a. if the family already has a repayment agreement in place;
- b. If the PHA determines that, the family has committed program fraud.

4. Guidelines for Repayment Agreements

Repayment agreements will be executed between the PHA and the head of household and spouse.

- a. No transfer will be approved until the debt is paid-in-full, unless the move is the result of the following causes, and the repayment agreement is current:
 - Family size exceeds the maximum occupancy standards;
 - A natural disaster;
 - Verified evidence of family violence/spousal or child abuse;
 - Protection of witnesses to violent crime as verified by a law enforcement agency or District Attorney;
 - Victim of hate crimes.
- b. If a request to transfer is denied, the family will be advised in writing of the reasons therefore, and advised of their right to request an informal hearing.

5. Additional Monies Owed

If the family has a repayment agreement in place and incurs an additional debt to the PHA:

- a. The PHA will demand payment of the new debt in-full within ninety (90) days if the repayment plan the family is already under is current.
- b. The PHA will not enter into more than one repayment agreement at a time with the same family.
- c. If a repayment agreement already in place is in arrears more than five (5) days, any new debts must be paid-in-full by the first of the second month following the assessment of the debt. Failure to meet these time frames will result in the PHA issuing a notice to terminate.

B. Prior Debts Owed To PHA

If a family owes money to the PHA or any other housing authority from a prior occupancy:

1. The PHA will not enter into a repayment agreement;
2. Will require the family to repay the amount in-full prior to admission; or
3. Will require payment in-full and withhold admission for three (3) years

from the date the debt was incurred if the family was evicted for drug-related or violent criminal activity.

C. Remaining Family Members and Prior Debt

1. As a party to the lease, remaining members of a resident family (other than head or spouse) eighteen (18) years of age or older will be responsible for any back rent, charges or other indebtedness incurred by the former head or spouse.
2. Remaining family members under the age of eighteen (18) shall not be held responsible for any back rent incurred by the former head of household.

D. Debts Due To Fraud/Non-Reporting Of Income

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

E. Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay, in accordance with the re-payment procedures, for program fraud (See following paragraph).

F. Program Fraud

1. Families who owe money to the PHA due to program fraud will be required to repay it in accordance with the repayment procedures for program fraud below.
2. Where appropriate, the PHA may refer the case for criminal prosecution.

G. Repayment Policies for Program Fraud

Families who commit program fraud (or untimely reporting of increases in income) will be subject to the following procedures:

1. Time period for a repayment agreement shall be determined on a case-by-case basis and shall be based upon:
 - a. Type and nature of the fraud;
 - b. Ability to make repayment;
 - c. Amount of repayment.
2. The family may be required to pre-pay any of the amount owed prior to, or upon the execution of, the repayment agreement.
3. The minimum monthly payment shall be appropriate considering the

requirement of the PHA and items 1.a., 1.b., and 1.c. above.

H. WRITING OFF DEBTS

Debts will be written off if:

1. Annually if the debtor's whereabouts are unknown and the debt is more than three (3) years old.
2. The debtor is deceased.

SECTION 20. PROGRAM INTEGRITY**A. Investigation of Suspected Abuse and Fraud**

The PHA will initiate an investigation of a participating family in the event of one or more of the following circumstances:

1. Referrals, Complaints or Tips. The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise, violating the lease or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the resident's file. Anonymous complaints must be in writing and will be investigated if the information received contains specific allegations that can be independently verified. If the anonymous complaint is not specific, the information will be retained in files, but will not be used to initiate investigations.
2. Internal File Review. A follow-up will be made if PHA staff discovers (as a function of a certification or recertification, an interim re-determination, or a quality control review), information or facts that conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.
3. Verification or Documentation. A follow-up will be made if the PHA receives independent verification or documentation that conflicts with representations in the family's file (such as public record information, or credit bureau report, or reports from other agencies).

B. Steps to Detect Program Abuse and Fraud

1. Quality Control File Reviews. On a random basis (at least 5% of files processed each month) resident files will be reviewed for accuracy and completeness. A knowledgeable staff member who was not directly involved in the processing of that applicant/resident file will complete these reviews. Such reviews shall include, but are not limited to:
 - a. Assurance that verification of all income and deductions is present;
 - b. Changes in reported Social Security Numbers or dates of birth are noted;
 - c. File documents are authentic and, where applicable, are signed and dated;
 - d. Ratio between reported income and expenditures is accurately computed; or
 - e. Signatures are consistent with previously signed file documents.
2. The PHA staff (to include inspection and maintenance personnel) will maintain high awareness of circumstances that may indicate program

abuse or fraud, such as unauthorized persons residing in the household and indications of unreported income. The observations will be documented in the family's file.

3. Credit Bureau inquiries may be made (with proper authorization by the resident) in the following circumstances:
 - a. At the time of the final eligibility determination if the information provided by the applicant conflicts with information obtained through outside sources or third party verifications.
 - b. When the PHA receives an allegation wherein unreported income sources are disclosed.
 - c. When a participant's expenditures exceed his/her reported income and no plausible explanation is given.

C. Handling of Allegations of Possible Abuse and Fraud

The PHA will review allegations that contain one or more independently verifiable facts.

1. An internal file review will be conducted to determine:
 - a. If the subject of the allegation is a resident of the PHA and, if so, to determine whether or not the information reported has been previously disclosed by the family.
 - b. It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social service). Any file documentation of past behavior, as well as corroborating complaints, will be evaluated.
2. If at the conclusion of the preliminary file review, there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the staff will initiate an investigation to determine if the allegation is true or false.

D. Investigations of Allegations of Abuse and Fraud

If the PHA determines that an allegation or referral warrants follow-up, the staff person who is responsible for the file will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include the items listed below. In all cases, the PHA will secure the written authorization from the resident for the release of information.

1. Credit Bureau Inquiries (CBI). In cases involving previously unreported income sources, a CBI may be made to determine if there is financial activity that conflicts with the reported income of the family.
2. Verification of Credit. In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in

order to determine the unreported income source.

3. Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages that may have been previously undisclosed or misreported.
4. Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed if it is believed that they have direct or indirect knowledge of facts pertaining to the PHA's review.
5. Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.
6. Public Records. If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.
7. Interviews with Head of Household or Other Family Members. The PHA will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment at the PHA office.

The PHA staff person who conducts such interviews will maintain a high standard of courtesy and professionalism. Management will not tolerate inflammatory language, accusations, or any unprofessional conduct or language under any circumstances. If possible, an additional staff person will attend such interviews.

E. Evidence and Statements Obtained By the PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be kept in the resident's file, or in a separate "work file."

F. Evaluation of the Findings

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud);
2. Whether the violation was intentional or unintentional;
3. What amount of money (if any) is owed by the resident;
4. If the family is eligible for continued occupancy.

G. Action Policies for Violations that Have Been Documented

Once a program violation has been documented, the PHA will propose the most

appropriate remedy based upon the type and severity of the violation.

1. **Procedural Non-Compliance.** This category applies when the resident "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive rent owed by the family.
 - a. **Examples of non-compliance violations are:**
 - Failure to appear at a pre-scheduled appointment; and
 - Failure to return verification in the time period specified by the PHA.
 - b. **Warning Notice to the Family.** In such cases, a notice will be sent to the family that contains the following:
 - A description of the non-compliance and the procedure, policy or obligation which was violated;
 - The date by which the violation must be corrected, or the procedure complied with;
 - The action which will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA;
 - The consequences of repeated (similar) violations.

2. **Procedural Non-Compliance, Retroactive Rent.** When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Unpaid Rent. This notice will contain the following:
 - a. A description of the violation and the date(s);
 - b. Any amounts owed to the PHA;
 - c. A ten (10) business days response period;
 - d. The right to disagree and to request an informal hearing with instructions for the request of such hearing.
 - **Resident Fails to Comply with PHA's Notice.** If the resident fails to comply with PHA's notice, and a material provision of the lease has been violated, the PHA will initiate termination of tenancy.
 - **Resident Complies with PHA's Notice.** When a resident complies with the PHA's notice, the staff person responsible will meet with him/ her to discuss and explain the lease provision that was violated. The staff person will complete a Tenant Counseling Report, give one copy to the family and retain a copy in the resident's file.

H. Misrepresentations

When a resident falsifies, misstates, omits, or otherwise, misrepresents a material

fact which results (or would have resulted) in an underpayment of rent by the resident, the PHA will evaluate whether or not the resident had knowledge that his/her actions were wrong, and whether the resident willfully violated the lease or the law.

1. Knowledge that the action or inaction was wrong. This will be evaluated by determining if the resident was made aware of program requirements and prohibitions. The resident's signature on various certifications, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrong-doing.
2. The resident willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:
 - An admission by the resident of the misrepresentation;
 - The act was done repeatedly;
 - A false name or Social Security Number was used;
 - There were admissions to others of the illegal action or omission;
 - The resident omitted material facts which were known to him/her (e.g., employment of self or other household members);
 - The resident falsified, forged or altered documents;
 - The resident uttered and certified to statements at a rent (re) determination, which were later independently verified to be false.

I. The Tenant Conference For Serious Violations And Misrepresentations

When the PHA has established that material misrepresentation(s) has occurred, a Participant Conference will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.

1. This conference will take place prior to any proposed action by the PHA. The purpose of such conference is to review the information and evidence obtained by the PHA with the participant, and to provide the participant an opportunity to explain any documented findings which conflict with representations in the participant's file. The PHA will take into consideration any documents or mitigating circumstances presented by the resident. The participant will be given five (5) business days to furnish any mitigating evidence.
2. A secondary purpose of the Participant Conference is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed actions, the PHA will consider:
 - The duration of the violation and number of false statements;
 - The participant's ability to understand the rules;
 - The participant's willingness to cooperate and to accept responsibility for his/her actions regarding the amount of money involved;
 - The participant's past history; and
 - Whether or not criminal intent has been established.

J. Disposition of Cases Involving Misrepresentation.

In all cases of misrepresentation involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

1. Criminal Prosecution: If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.
2. Administrative Remedies: The PHA will terminate assistance and demand payment of restitution in-full.
3. PHA Legal Action: If restitution is not made within thirty (30) days and \$1,000 or more dollars are owed to the PHA due to participant fraud, the PHA will seek restitution through legal judicial channels.
4. Continue Assistance: Contingent upon full lump-sum restitution or minimal term repayment plan and warning that repeat of the offense will result in immediate eviction.

K. Notification To Participant of Proposed Action

1. The PHA will notify the participant, by certified mail, of the proposed action no later than three (3) business days after the Participant Conference.
2. All notices will advise the family of their right to an informal hearing.

SECTION 21. INSPECTIONS

The PHA will conduct periodic inspections of dwelling units to redetermine the eligibility of the family, the amount of rent to be charged and the appropriate size of units assigned to residents. The following outlines pertinent procedures in these areas.

A. Housing Inspections

1. The dwelling unit and the premises should be inspected jointly by the applicant or resident and a member of the PHA staff. The applicant/resident has the option to be present at this inspection. Both parties will agree on the condition of the dwelling unit by signing an inspection check-sheet. The PHA will keep the original check-sheet and a copy will be given to the applicant or resident.
2. The inspection will serve as a guide in determining needed maintenance or repairs, and to assess charges in addition to rent for damages above and beyond normal wear and tear.
3. The PHA may cancel the resident's dwelling lease if the resident fails to maintain the dwelling unit and the premises assigned to him/her in a decent, safe, sanitary condition and in good repair.

B. Annual Inspections

The dwelling unit and premises shall be inspected at least annually by the PHA. The inspection will serve as a guide in the determination of needed maintenance or repairs and to assess damage above and beyond normal wear and tear. The resident will be given notice of said inspection and encouraged to be present during the inspection. The inspection form will be kept by the PHA and a copy will be given to the resident if there are deficiencies. Failure of the resident to maintain a safe, decent and sanitary dwelling unit and premises will result in lease termination. The PHA may also utilize remote, video-assisted, virtual inspections and other electronic means to comply with the annual inspection requirement.

C. Time of Inspections

The PHA will inspect the resident's dwelling unit:

1. Before the resident moves into the unit;
2. Periodically, every six (6) months, but not less than annually. Follow-up inspections will be made if the resident's housekeeping practices or other circumstances require. The PHA will give the resident appropriate notice at least two (2) days before entry, prior to any inspection, in accordance with the dwelling lease;
3. At move-out. The dwelling unit and the premises will be inspected jointly by

the resident and a member of the PHA staff, unless the resident has previously vacated the unit without giving notice to the PHA, and is unavailable. In such case, the PHA will inspect the unit independently.

4. At any time that the resident, a PHA employee or other interested person determines that a special inspection is necessary.

Any charges for damages beyond normal wear and tear will be based on a comparison of the original inspection check-sheet and the condition of the unit and premises when/after the resident moves out.

SECTION 22. OTHER MATTERS

The following pertains to requirements and/or references to guidelines for other matters involving admissions and occupancy.

A. Lead-Based Paint Notification And Records

1. Applicants

A notice of the dangers of lead-based paint poisoning and a notice of the advisability and availability of blood lead level screening for children under seven (7) years of age will be provided to every applicant family at the time of application.

2. Residents

a. Residents in any PHA-owned low-income public housing developments constructed prior to 1978 will be notified:

- (1) That the property was constructed prior to 1978;
- (2) That the property may contain lead-based paint;
- (3) Of the hazards of lead-based paint;
- (4) Of the symptoms and treatment of lead-based paint poisoning;
- (5) Of the precautions to be taken to avoid lead-based paint poisoning (including maintenance and removal techniques for elimination such hazards); and
- (6) Of the advisability and availability of blood lead level screening or children under seven (7) years of age.

b. Residents will be advised to notify the PHA if an elevated blood lead condition is identified, so that the PHA can initiate testing and abatement actions, if necessary, or relocate the residents to a lead-free dwelling unit.

3. Records

The PHA will maintain records that provide evidence that the resident and any purchaser of low-income housing developments constructed before 1978 has received the required notification. The signature portion of the notification form will be retained in the PHA's resident file for three (3) years after the resident vacates the dwelling unit.

B. Utility Reimbursement

Where applicable, the PHA will pay the resident a utility reimbursement, as defined in the PHA's Definition section of these policies.

C. Pet Ownership

The dwelling lease establishes the PHA's policy on pet ownership. The PHA has a separate policy on Pet Ownership rules.

D. Transfer

The dwelling lease requires the resident to transfer to a dwelling unit of appropriate size, based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available.

The PHA maintains a separate policy on the Transfers and Transfer Waiting List.

E. Collection

The PHA dwelling lease contains the PHA's policies with respect to the amount of rental payments, the due date, and charges for late payment and returned checks.

F. Termination of Lease

The dwelling lease contains the PHA's policy on the termination of the lease. The PHA maintains a Termination and Eviction policy for additional guidance.

G. Grievance Procedures

The PHA maintains a Lease and Grievance Procedures policy that is incorporated by reference in the lease and is posted in the Management Office.

H. Community Service/Self-Sufficiency Requirements

The PHA has a separate Community Service/Self-Sufficiency Policy.

I. Resident Initiatives Policy

The PHA supports resident initiative for all its families. A separate policy has been developed for this program and is incorporated in this document by reference.

J. Fair Housing and Equal Opportunity

A Fair Housing and Equal Opportunity poster that contains information on filing complaints with HUD will be prominently posted in the PHA office. Individuals who believe that they have been discriminated against with respect to housing may receive assistance from PHA staff in filing such complaints.

K. HUD MINIMUM HEATING STANDARDS

The PHA shall use the following minimum heating requirements for Public Housing Dwelling units:

- Minimum Temperature:
 - If PHA-controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit.
 - If tenant-controlled, then the heating equipment must have the capability of heating to at least 68 degrees Fahrenheit.

- Minimum Temperature Capability:
 - PHAs are allowed flexibility in maintenance of the indoor temperature when the outdoor temperature approaches the design day temperature. At no point should indoor temperatures in occupied space drop below 55 degrees Fahrenheit. This flexibility applies when at least one of the below criteria are met:
 - The outside temperature reaches or drops below the design day temperature, or
 - The outside temperature is within five degrees Fahrenheit of the design day temperature for more than two continuous days.
 - **Note:** Design day temperature refers to the lowest expected outdoor temperature that a heating system was designed to accommodate and still maintain the desired indoor temperature. Source: PIH Notice 2018-19
McAllen, Texas does not have an official design day temperature for heating purposes due to its location in a sub-tropical region. The average outdoor temperature for McAllen (75 degrees Fahrenheit) exceeds the minimum HUD indoor temperature of 68 degrees Fahrenheit.
Source: U.S. Climate Data - www.usclimatedata.com

- Measurement:
 - Temperature measurements must be taken three feet above the floor and two feet from a wall in a habitable room.

L. Disclaimer Policy

This policy will be interpreted and applied in accordance with applicable federal statutes and HUD regulations and policy guidance. Any conflict between the language of this policy and such federal statutes and/or regulations will be resolved in accord with federal law and policy. Additionally, since the provisions of this plan are based on local, state, and federal law and regulation, the policy will be deemed automatically revised should any of those laws or regulations change. To the extent that the change is mandatory (allowing no PHA discretion), the text of this policy will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving a future automatic revision responding to mandatory changes.

Appendix A

LIST OF CHARGES IN ADDITION TO RENT

INSERT HERE

Appendix B

UTILITY ALLOWANCES

INSERT HERE

Appendix C**List of Developments or Sites by Types**

Name of Developments	Number of Units		
	Total Units	Public Housing Units (199 ACC Units)	Tax Credit Units
Retama Village Phase I (Mixed-Finance Development)	128	64	64
Retama Village Phase II (Mixed-Finance Development)	74	25	49
Vine Terrace (Public Housing Development)	49	49	0
To Be Determined		61	

Note: Mixed financed developments may be subject to Tax Credit requirements. Tax Credit requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Texas Department of Housing and Community Affairs (TDHCA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or TDHCA requirements.

Appendix D**Developments and Sites by Dates of Full Availability (DOFA)**

Name of Development or Site	DOFA	Development Type
Retama Village Phase I	12/31/2008	Public Housing / Mixed Finance
Retama Village Phase II	8/31/2009	Public Housing / Mixed Finance
Vine Terrace	7/30/1982	Public Housing / Single Family

Note: Mixed financed developments may be subject to Tax Credit requirements. Tax Credit requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Texas Department of Housing and Community Affairs (TDHCA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or TDHCA requirements.

Appendix E

PHA INCOME LIMITS

INSERT HERE

Appendix F

TABLE OF FLAT RENTS

INSERT HERE

Appendix G

DEFINITIONS Low-Rent Public Housing

Abandonment

Means absence of the resident from the dwelling, without notice to the owner, for one full rental period or in excess of seven (7) days, whichever is less; providing such absence occurs only after rent for the dwelling unit is delinquent.

ACC Expiration Date

The last day of the term during which a particular public housing development is subject to all or any of the provisions of the Annual Contributions Contract (ACC). The ACC term for a particular development expires at the latest of:

1. The end of the "Debt Service Completion Date," which is the last day of a one-year period beginning with, and inclusive of, the last debt service Annual Contribution Date for the development, as determined under the ACC (e.g., if the last debt service Annual Contribution Date is June 15, 1983, the one-year period continues through the end of the day on June 14, 1984, which is the debt Service Completion Date); or
2. The end of the date of full repayment of any indebtedness of the PHA to the Federal government in connection with the development; or
3. The end of the last date of an extension of the term of the ACC provisions related to development operation, as effected under 24 CFR, Sections 969.105, Extension of ACC Upon Payment of Operating Subsidy, or 969.106, ACC Extension in Absence of Current Operating Subsidy.

Accessible

1. When used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered, and used by individuals with physical disabilities. The phrase "accessible to and usable by" is synonymous with accessible.
2. When used with respect to the design, construction, or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, altered or adapted, can be approached, entered, and used by individuals with physical disabilities.
3. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR, Part 8, Section 8.32, is "accessible" within the meaning of paragraph 2.
4. When a unit in an existing facility which is being made accessible as a result of alterations is intended for use by a specific qualified individual with disabilities (e.g., a current occupant of such unit or of another unit under the control of the same recipient, or an applicant on a waiting list), the unit will be deemed

accessible if it meets the requirements of applicable standards that address the particular disability or impairment of such person.

Accessible Route

A continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reach requirements of applicable standards prescribed by 24 CFR, Part 8, Section 8.32. An accessible route that serves only accessible units occupied by persons with hearing or vision impairments need not comply with those requirements intended to effect accessibility for persons with mobility impairments.

Adaptability

The ability of certain elements of a dwelling unit, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered, or otherwise altered, to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability. For example, in a unit adaptable for a hearing-impaired person, the wiring for visible emergency alarms may be installed, but the alarms need not be installed until such time as the unit is made ready for occupancy by a hearing-impaired person.

Adjusted Income means Annual Income less the following allowances, determined in accordance with HUD instructions:

1. \$480 for each Dependent;
2. \$400 525 for any Elderly Family;
3. For any family that is not an Elderly Family or disabled family, but has a member other than the head of household or spouse, Handicapped/Disabled Assistance Expenses **in excess of three not to exceed ten (10%)** percent of Annual Income, but 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 Disabled Person; **Note: under HOTMA, the allowance of ten percent (10%) must follow a phased in approach as follows:**
 - 5% Year One
 - 7.5% Year Two
 - 10% Year Three
4. For any Elderly or Disabled Family,
 1. a. That has no disability assistance expenses, an allowance for Medical Expenses, equal to the amount by which the Medical Expenses **do not exceed three ten percent (10%)** of Annual Income;
 - b. That has Disability Assistance Expenses greater than or equal to three percent of Annual Income, an allowance for Disability Assistance expenses computed in accordance with paragraph 3, above, **plus an allowance for medical expenses, that is equal to the Family's Medical Expenses;**
 - c. That has Disability Assistance Expenses that are less than **three ten** percent of Annual Income.

5. Child Care Expenses/Deductions

Under HOTMA a family may qualify for a hardship exemption for the child-care expense deduction. HOTMA allows the deduction to continue for a household that no longer has a member who is employed or seeking to further their education.

To qualify, the household must demonstrate:

- That it cannot pay the increased rent due to the loss of the child care deduction, and
- That the child-care expense deduction is still needed even though no family member is employed, seeking employment, or furthering their education.

The hardship exemptions will expire at a family's next regular income reexamination, or when the household is able to pay rent using the regular income calculation.

6. Hardship Exemption, Health and Medical Care Deductions

HOTMA requires PHAs to allow qualifying families a hardship exemption if a family can demonstrate that they would not be able to pay the rent due to the higher 10% threshold to benefit from the health and medical deduction.

Under this hardship exemption, a PHA or owner will recalculate a family's income by deducting the amount of health and medical expenses that exceed 6.5% of a family's income. (That 6.5% hardship threshold is the midpoint between 3% and 10%)

The hardship exemptions will expire at a family's next regular income reexamination, or when the family is able to pay rent using the regular income calculation.

Adult (Drug-Related and Criminal Activity)

A person who is 18 years of age or older, or has been convicted of a crime as an adult under any Federal, State or Tribal law

Annual Contributions Contract

A contract under the Housing Act of 1937, as amended, between HUD and the PHA, containing the terms and conditions under which the Department assists the PHA in providing decent, safe, and sanitary housing for low-income families. The ACC must be in a form prescribed by HUD, under which HUD agrees to provide assistance in the development, modernization, and/or operation of a low-income housing development under the Act, and the PHA agrees to develop, modernize, and operate the development in compliance with all provisions of the ACC and the Act, and all HUD regulations and implementing requirements and procedures.

Annual Income

1. Annual Income means all amounts, monetary or not, which:

- a. Are received by, 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. Which are not specifically excluded in this section.
 - d. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
2. 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 shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Services regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
 - c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be used as deductions in determining the net income. An allowance for depreciation is permitted only as authorized in the paragraph immediately above this paragraph. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets, or a percentage of the value of such Assets, based on the current passbook savings rate, as determined by HUD;
 - d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided under Annual Income exclusions);
 - e. Payments in lieu of earnings, such as unemployment and disability compensation, Workers' Compensation and severance pay (but see the paragraph on lump sum additions to family assets, below.)
 - f. Welfare Assistance. If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities, and such amount is subject to adjustment by the Welfare Assistance agency in accordance with the actual cost of shelter and utilities, the amount of Welfare

Assistance income to be included as income shall consist of:

- (1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (2) The maximum amount that the Welfare Assistance Agency could in fact allow the family for shelter and utilities. If the family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
- g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling.
- h. All regular pay, special pay and allowances of a member of the Armed Forces (but see paragraph below, on special pay to an Armed Forces person exposed to hostile fire).
3. Annual Income does not include the following (Exclusions):
- a. Income from the employment of children (including foster children) under the age of 18 years. The income from the head of household or spouse is always counted, regardless of their ages;
 - b. Payment received for the care of foster children or 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 Workers' Compensation), capital gains and settlement for personal or property losses; (but see the paragraph on payments in lieu of earnings, above).
 - d. Amounts received by the families that are specifically for, or in reimbursement of the cost of medical expenses for any family member;
 - e. Income of a Live-In Aide, as defined in the regulations, who is a person who resides with an Elderly or Disabled who:
 - (1) Is determined to be essential to the care and well-being of the Person(s);
 - (2) Is not obligated for the support of the Person(s); and
 - (3) Would not be living in the unit except to provide the necessary supportive services.
 - f. The full amount of student financial assistance paid directly to the student or to the educational institution;
 - g. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
 - h. Amounts received under training programs funded by HUD;
 - i. Amounts received by a person with a disability, that are disregarded for a limited time, for purposes of Supplemental Security Income eligibility and benefits, because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or

- j. Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.), and which are made solely to allow participation in a specific program;
- k. A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. The resident services stipend exclusion extends to amounts received by residents who service on the PHA's governing board. No Resident may receive more than one such stipend during the same period of time;
- l. 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;
- m. Temporary, nonrecurring or sporadic income (including gifts);
- n. 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;
- o. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- p. Adoption assistance payments in excess of \$480 per adopted child;
- q. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment or in prospective monthly amounts;
- r. 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;
- s. 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;
- t. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937, including the following:
 - (1) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977. [7 United States Code (USC) § 2017 (b)];

- (2) Payment to volunteers under the Domestic Volunteer Service Act of 1973. [42 USC § 5044(g), § 5058];
- (3) Small Business Administration Programs, such as the National Volunteer Program to Assist Small Business and to Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE);
- (4) Payments received under the Alaska Native Claims Settlement Act. [43 USC § 1626(c)];
- (5) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes. [25 USC § 459(e)];
- (5) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program. [42 USC § 8624(f)];
- (6) Payments received under programs funded in whole or in part under the Job Training Partnerships Act. [29 USC § 1552(b)]; (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provisions of the Workforce Investment Act of 1998 (29 U.S.C. 2931)
- (7) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians. [Public Law (P.L.) 94-540, 90 Stat. 2503-2504];
- (8) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims [25 USC § 1407-1408), or the first \$2000 per year of income received by individual Indians from funds held in trust for an Indian tribe by the Secretary of the Interior. [25 USC § 117b, 1407-1408]; This change effective January 1, 1994.
- (9) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC § 1087uu]. Since Pell Grants are funded under Title IV, PHAs should exclude the full value of any Pell Grant. These changes are effective 10-1-92;
- (10) Payments received from programs funded under Title V of the Older Americans Act of 1985. [42 USC § 3056(f)];
- (11) Payments received on and after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the “In Re Agent Orange product” liability litigation. [M.D.L. No. 381 (E.D.N.Y.)];
- (12) Payments received under the Maine Indian Claims Settlement Act of 1980. [25 U.S.C. 1721];
- (13) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs

- incurred for such care) under the Child Care and Development Block Grant Act of 1990 [42 USC § 9858q]. This change was effective November 4, 1992;
- (14) Earned Income Tax Credit (EITC) refund payments received after January 1, 1991. [USC § 32(j)];
 - (15) Payments by the Indian Claims Commission to the Confederate Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433); This change effective October 10, 1978.
 - (16) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d)); This change effective October 1, 1993.
 - (17) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805); This change effective October 1, 1997.
 - (18) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); This change effective October 1, 1999.
 - (19) Allowances, earnings and payments to individuals participating in programs under the Workforce Investments Act of 1998 (29 U.S.C. 2931); This change effective August 7, 1998 (replaced JTPA).
 - (20) Income excluded as outlined in PHA policies.
4. If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a re-determination at the end of the shorter period.

Applicant

An adult person, 18 years of age or older, or a family that has applied for housing assistance.

Application for Admission

A written form, completed in accordance with PHA requirements, signed by the applicant, and submitted to the PHA. The purpose of the application is to determine whether the applicant is eligible for Public Housing.

Auxiliary Aids

Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving Federal financial assistance. For example, auxiliary aids for persons with impaired vision may include readers, Braille materials, audio recordings, and other similar services and devices. Auxiliary aids for persons with impaired hearing may include telephone handset amplifiers, telephones compatible with hearing aids,

telecommunication devices for deaf persons (TDD's), interpreters, note takers, written materials, and other similar services and devices.

Building Entrance on an Accessible Route

An accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building that complies with ANSI A117.1-1986 or a comparable standard complies with the requirements of this paragraph.

Check-meter

A device for measuring Utility consumption within each individual dwelling unit where the Utility Service is supplied to the PHA through a Master-meter System. The PHA pays the Utility Supplier of the Utility Service on the basis of the Master-meter readings and uses the Check-meter to determine whether and to what extent the Utility consumption of each dwelling unit is in excess of the Allowance for PHA-Furnished Utilities.

Child/Minor

A member of the family, other than the family head or spouse, who is under 18 years of age. For continued assistance under Restrictions on Assistance to Non-citizens only: Biological or adopted children only. Stepchildren (not related to either the head of the household or the spouse) and guardianship of minors (either formal or informal) are excluded.

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, and 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.

CIS

U.S. Citizenship and Immigration Services (formerly Immigration and Naturalization Services (INS)).

Citizen

A citizen (by birth or naturalization) or national of the United States.

Common Use Areas

Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

Community Service

The performance of voluntary work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, or/and increase the self-responsibility of the resident within the community in which the resident resides.

Complainant

Any resident whose grievance is presented to the PHA or at the development management office in accordance with 24 CFR 966.54, Informal Settlement of Grievance, and 966.55(a), Request for a Hearing.

Continued Assistance Family

This is a mixed family who meets all the following requirements:

1. The family was receiving assistance under a Section 214 covered program on June 19, 1995;
2. who's head of the household or spouse has eligible immigration status according to the requirements of the restrictions on assistance to non-citizens; and
3. the family does not include any person (who does not have eligible immigration status) other than:
 - The head of the household;
 - Any spouse of the head of the household;
 - Any parents of the head of the household;
 - Any parents of the spouse;
 - Any children of the head of the household or spouse.

This does not define “family” for purposes of eligibility at the PHA (see “Family” in this Definitions section).

Controlled Substance

Any drug or other substance, or immediate precursor included in the definition in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Covered Families

Families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition of such assistance.

Covered Person (Drug-Related and Criminal Activity)

A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Currently Engaging In Illegal Use of a Drug

With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in, means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior

is current.

Decent, Safe and Sanitary Housing (In Good Repair)

Housing is decent, safe, sanitary and in good repair if the requirements of 982.401 (Housing Quality Standards) and the Uniform Physical Condition Standards implemented by HUD in September of 1998 are met.

Dependent

A member of the Family (except foster children and foster adults) other than the Family head or spouse, who is under eighteen (18) years of age, or is a person with a disability, or is a full-time student.

Deposit (Security)

Means an amount of currency, or an instrument delivered to the owner by the resident as a pledge to abide by terms or conditions of the rental agreement.

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.

Disabled Family

A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. A person who is under a disability, as defined in Section 233 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act; 42 U.S.C. 6001 (7).

Section 223 of the Social Security Act defines disability as:

1. Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
2. In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in the Social Security Act), inability by reason of such blindness to engage in substantial gainful activity in which he/she has previously engaged with some regularity and over a period of time.

Disabled Person (or "Person with a Disability")

This definition no longer includes any person whose "disability" is solely related to drug or alcohol dependency.

Disallowance

An exclusion from annual income.

Discriminatory Housing Practice

An act that is unlawful under Section 804, 805, 806, or 818 of the Fair Housing Act.

Displaced Person/Family

A person or family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Drug

A controlled substance as defined in section 102 of the Controlled Substances Act.

Drug Abuse Treatment Facility

An entity:

1. That holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to illegal drug use; and
2. That is either an identified unit within a general care facility; or an entity other than a general medical care facility.

Drug-Related Criminal Activity

The illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute or use the drug.

Dwelling

Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Earned Income

Earned income means income or earnings included in annual income from wages, tips, salaries, other employee compensation, and self-employment. (See 24 CFR 5.609.) Earned income does not include any pension or annuity, transfer payments, any cash or in-kind benefits, or funds deposited in or accrued interest on the FSS escrow account established by a PHA on behalf of a participating family.

Economic Self-Sufficiency Program

Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include job training, employment counseling, work placement, basic skills training, education, English proficiency, financial or household management, apprenticeship and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly Person/Family

A person or family whose head or spouse, or sole member is at least 62 years of age; or 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.

Elements of Due Process

Means an eviction action or termination of tenancy in a State or local court in which the following safeguards are required:

1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction.
2. Opportunity for the resident to examine all relevant documents, records and regulations of the PHA, prior to the trial, for the purpose of preparing a defense.
3. Right of the resident to be represented by counsel.
4. Opportunity for the resident to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses, and to present any affirmative legal or equitable defense which the resident may have.
5. A decision on the merits.

Elevated Blood Lead Level

Excessive absorption of lead, that is, a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater.

Eligible Families

Current residents of public housing and applicants who have been screened and notified they are eligible but a unit is not yet available for them.

Emergency Condition

A situation in which failure to supply immediate relief would pose a serious threat to the life, health or safety of the applicant for admission.

Escrow Deposit

An amount in dispute with respect to rent or other charges which must be paid by the family and held by the PHA pending resolution of a grievance. Escrows are not required for families requesting minimum rent hardship exemption or contesting a reduction in welfare benefits.

Evidence of Citizenship or Eligible Immigration Status

The documents which must be submitted to evidence citizenship or eligible immigration status.

Extremely Low-Income Family

A family who's income falls at or below thirty percent (30%) of the median income for the jurisdiction in which they reside. HUD may adjust the very low-income limit for smaller or larger families or because of unusually high or low family incomes.

Eviction

Means any action initiated by the owner to regain possession of a dwelling unit and use of the premises.

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. 3600-3620).

Familial Status

One or more individuals (who have not attained the age of 18 years) being domiciled with:

1. A parent or another person having legal custody of such individual or individuals; or
2. The designee of such parent or other person who is a family member and 18 years of age or older, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant, or is in the process of securing legal custody of any individual who has not attained the age of the 18 years.

Family

"Family" includes, but is not limited to [the following: regardless of actual or perceived sexual orientation, gender identity, or marital status:](#)

1. [Two or more persons who intend to share a residency whose income and resources are available to meet the family's needs and who have a history as a family unit or have evidence of a stable relationship for at least one year if not legally married. Evidence of a "stable relationship" may include any of the following: birth certificate of the children, joint tax returns, prior lease, joint bank accounts, insurance policies, informal marriage certificates or equivalent documentation.](#)
2. [A group of persons living together, related by blood, marriage or operation of law;](#)
3. [A common-law husband or wife, as recognized under State law;](#)
4. [A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members;](#)
5. [An elderly person;](#)
6. [A disabled person;](#)
7. [A displaced person;](#)
8. [The remaining member of a resident family; and](#)
9. [A single person who is not an elderly or displaced person or a person with disabilities, or the remaining member of a resident family.](#)

1. A single person, who may be:
 - An elderly person, displaced person, disabled person, near-elderly person, or any other single person.
 - An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C 675(5)(H), and is homeless or is at risk of becoming homeless at age 16 or older:
2. A group of persons residing together, and such group includes, but is not limited to:
 - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)
 - An elderly family
 - A near-elderly family
 - A disabled family
 - A displaced family
 - The remaining member of a tenant family.

Family Income

Means monthly income as defined in HUD regulations, i.e., annual income divided by 12.

Family Project (Family Development/General Occupancy Development)

Any development assisted under Section 9 of the U.S. Housing Act of 1937, which is not an elderly development. For this purpose, an elderly development is one which was designated for occupancy by the elderly at its inception (and has retained that character) or, although not so designated, for which the PHA gives preferences in tenant selection (with HUD approval) for all units in the development to elderly families. A building within a mixed-use development which meets these qualifications shall, for the purposes of 24 CFR, Part 965, Subpart H, Lead-Based Paint Poisoning Prevention, be excluded from any family development. Zero bedroom units, for the purposes of Subpart H, are excluded from any family development.

Federal Preference

The Quality Housing and Work Responsibility Act of 1998 has permanently eliminated federal preferences. However, the language and criteria of the former Federal preferences may be retained or adopted by the PHA as their local preferences. Therefore these definitions remain without the reference to “Federal” means a resident selection preference for admission of applicant families that are any of the following:

1. Involuntarily displaced;
2. Living in substandard housing (including families that are homeless or living in a shelter for the homeless);
3. Paying more than 50 percent of family income for rent.

Federally Assisted Housing (Drug-Related and Criminal Activity)

1. Public housing;
2. Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937;
3. Housing that is assisted under Section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act;
4. Housing that is assisted under Section 202 of the Housing Act of 1959 as such section existed before enactment of the National Affordable Housing Act;
5. Housing that is assisted under Section 811 of the National Affordable Housing Act;
6. Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;
7. Housing insured, assisted or held by HUD or by a State or local agency under section 236 of the National Housing Act;
8. Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949.

Flat Rent

Flat Rent is based on the market value of a unit as determined by the PHA. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the PHA could lease the public housing unit after preparation for occupancy. The PHA will not pay a utility reimbursement for a family that has chosen to pay a flat rent for its unit.

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 or without a diploma or certificate program, as well as an institution offering a college degree.

Good Faith

Means honesty in fact, in the conduct of the transaction concerned, as evidenced by all surrounding circumstances.

Grievance

Any dispute which a resident may have with respect to PHA action or failure to act in accordance with the individual resident's lease, or PHA regulations which adversely affect the individual resident's rights, duties, welfare, or status.

Guest (Drug Related or Criminal Activity)

A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of 24 CFR part 966 and 982 apply to these guests.

Handicap/Disability

With respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment, or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act; 21 U.S.C. 802). For the purpose of 24 CFR Part 100, Discriminatory Conduct Under the Fair Housing Act, an individual shall not be considered to have a disability solely because that individual is a transvestite (a person, especially a male, who dresses in the clothing of the opposite sex for psychological reasons).

Handicapped/Disabled 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.

Handicapped/Disabled Person

A person having a physical or mental impairment that:

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

Has a Record of Such an Impairment

As used in the definition of Disability, means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Head of Household

The adult member of the family, 18 years of age or older, who is the head of the household for purposes of determining income eligibility and rent.

Hearing Officer/Hearing Panel

A person/panel selected in accordance with 24 CFR, Part 966, Section 966.55, Procedures to Obtain a Hearing, to hear grievances and render a decision with respect thereto.

Household (Drug-Related and Criminal Activity)

The family and PHA-approved live-in aide.

Housing Agency (HA)

A State, county, municipality or other governmental entity or public body authorized to administer the program. The term "HA" has been replaced by the term "PHA" (Public

Housing Agency) and no longer includes an Indian Housing Authority (IHA).

Housing Assistance Limitation for Single Persons

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided public housing and other project-based assistance in a housing unit with two or more bedrooms.

Housing Manager/Assistant Housing Manager

A Housing Manager is any person who, irrespective of title, is responsible for the day-to-day management and operation, which may include the supervision of employees, of a low-income housing development or developments. An Assistant Housing Manager is any person who, irrespective of title, is responsible for assisting a Housing Manager in performing his/her managerial responsibilities.

Housing Provider (Responsible Entity)

1. The owner or manager of the housing facility;
2. The owner or manager of the common and public use areas of a housing facility, when the dwelling units are individually owned;
3. The term “housing provider” may include any person or entity which operates a housing facility. The term “housing provider” includes any person or entity which represents the property owners of a community in their housing interest, including homeowners or resident associations, whether or not there is common ownership operation of any portion of a community.

Housing Subsidies

Means assistance to meet the costs and expenses of temporary shelter, rental housing or homeownership, including rent, mortgage or utility payments.

HUD

The Department of Housing and Urban Development or its designated officer or employee.

HUD Field Office

Any HUD Office that has been delegated authority under the U.S. Housing Act of 1937 to perform functions pertaining to the area in which the PHA is located.

Immigration and Naturalization Service (INS)

Now called the U.S. Citizenship and Immigration Services (CIS).

Imputed Welfare Income

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family’s annual income for purposes of determining rent.

Income Limits

HUD establishes Extremely Low-Income, Very Low-Income and Low-Income limits that

are used to determine if assisted housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

Income-Based Rent

An amount based on the projected family income for the subsequent 12 month period.

Indian

Any person recognized as being an Indian or Alaska Native by an Indian tribe, the Federal Government, or any State.

Individual with a Disability

A person having a physical or mental impairment that: (a) is expected to be of long-continued and indefinite duration; (b) substantially impedes the person's ability to live independently, and (c) is of such a nature that such ability could be improved by more suitable housing conditions.

Is Regarded as Having an Impairment

As used in the definition of Disability, means:

1. Has a physical or mental impairment that does not substantially limit one or more major life activities, but that is treated by another person as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
3. Has none of the impairments defined under the definition of "physical or mental impairment," below, but is treated by another person as having such an impairment.

Law Enforcement Agency

The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

Lead-Based Paint

A paint surface, whether or not defective, identified as having a lead content greater than or equal to one microgram of lead per square centimeter (one centimeter is slightly more than three-eighths of an inch).

Live-In Aide

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

1. Is determined by the PHA to be essential to the care and well-being of the person or persons;
2. Is not obligated for support of the person or persons, and
3. Would not be living in the unit except to provide necessary supportive services. (See the definition of Annual Income for treatment of a Live-In Aide's income.)

Location (or Site)

A term used to identify units located in any common geographical area. It may be a development, a portion of a development, two or more developments, or an entire development plus one or more portions of another development. If the units are divided by a major architectural or topographical barrier, such as a freeway, stream or retaining wall, which substantially impairs mutual access, the separated units constitute separate locations or sites.

Low-Income Family

A family who's Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low-income family.

Major Life Activities

As used in the definition of Disability, means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Management Contract

A written agreement between a resident management corporation and a PHA, as provided by 24 CFR 964.35, Management Responsibilities.

Marriage

Marriage certified by a formal marriage license, or an informal marriage, as may be specified in State or local laws or regulations.

Master-Meter System

A Utility distribution system in which a PHA is supplied Utility Service by a Utility supplier, through a system meter or meters, and distributes the Utility Service to its residents.

Medical Expenses

Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. (Medical expenses are allowable only for Elderly or Disabled Families.)

Minimum Rent

An amount of rent to be paid by each family as directed by HUD and determined by the PHA. The minimum rent amount must be established between \$00.00 and \$50.00 and includes the utility allowance. Hardship exemptions as outlined in the Admissions and Continued Occupancy Policy and Dwelling Lease apply.

Minor

A person who is under the age of legal competence (17 years of age or younger), unless otherwise determined by State Law.

Mixed Family

A family who's members included those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Mixed Population Project

A public housing project or portion of a project that was reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception the PHA has obtained HUD approval to give preference in Tenant Selection for all units in the project (or portion of project) to elderly families and disabled families. These projects formerly were known as elderly projects.

Monthly Adjusted Income

One-twelfth of Adjusted Income.

Monthly Income

One-twelfth of Annual Income.

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, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Near-Elderly Person/Family

A person or family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

Net Family Assets

1. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home-ownership programs or FSS savings accounts.
2. The value of necessary items of personal property, such as furniture and automobiles, shall be excluded.

3. 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.
4. In determining Net Family Assets, the PHA shall include the value of any 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 received important consideration not measurable in dollar terms.

Non-citizen

A person who is neither a citizen nor a national of the United States.

Normal Wear and Tear

Means deterioration which occurs, based upon the use for which the rental unit is intended, without negligence, carelessness, accident, abuse or intentional damage of the premises, equipment or chattels of the owner by the resident, members of the resident's household, or by his/her invitees or guests. However, uncleanliness does not constitute normal wear and tear.

Occupancy Standards

Standards that the PHA establishes for determining the number of bedrooms required for families of different sizes and compositions.

Older Persons

Persons 55 years of age or older.

Other Person Under the Tenant's Control, for the Purposes of the Definition of Covered Person (Drug-Related and Criminal Activity)

The person, although not staying as a guest (as defined under "guest") in the unit, is, or was at the time of the activity in question, on the premises (as defined under "premises") because of an invitation express or implied from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Over-Income Family (OI Family)

An individual or family, who is not a low-income family at the time of initial occupancy. An individual or family whose annual income for eligibility purposes exceeds 80% the applicable over income (OI) limit for a very low-income (VLI) family, as defined in 24 CFR 5.603(b) by a factor of 2.4 for the PHA's area of operation.

The OI limit must then be compared to the family's *annual* income during an annual or interim income examination. If the family's annual income is greater than the OI limit, then they exceed the OI limit for the program and must be notified in accordance with 24 CFR 960.507(c) in the following paragraph.

Over-Income Notification Requirements

In accordance with 24 CFR 960.507(c)(1), the PHA must provide written notice to the OI family no later than 30 days after the PHA's initial determination, stating that the family has exceeded the OI limit as determined pursuant to an annual reexamination or an interim reexamination. The notice must state that:

- (1) The family has exceeded the over-income limit, and
- (2) Continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy for over-income families in accordance with 24 CFR 960.507(d).

If the PHA determines the family has continued to exceed the over-income limit for 12 consecutive months after the initial OI determination, the PHA must provide written notification pursuant to 24 CFR 960.507(c)(2) no later than 30 days after the PHA's income examination that led to the 12-month over-income determination. The notice must state that:

- (1) The family's income has exceeded the over-income limit for 12 consecutive months, and
- (2) Continuing to exceed the over-income limit for the next 12 consecutive months will result in the family's termination of their tenancy.

If the PHA determines the family has continued to exceed the over-income limit for 24 consecutive months after the initial OI determination, then the PHA must provide written notification pursuant to 24 CFR 960.507(c)(3) no later than 30 days after the PHA's income examination that led to the 24-month over-income determination. The notice must state that:

- (1) The family has exceeded the over-income limit for 24 consecutive months, and
- (2) The PHA will terminate the family's tenancy (in no more than six months)

Once a PHA determines through an annual reexamination or an interim reexamination that a family's income exceeds the applicable OI limit, the PHA must notify the family and make a note in the tenant file to calculate the family's income again 12 months later to see if the family remains over-income. PHAs are required to begin tracking the 24 consecutive month grace period once a family's income exceeds the applicable OI limit.

Note: OI families who have already exceeded the 24-month consecutive month grace period, in accordance with a previous version of this ACOP policy, are not eligible to another 24 month consecutive grace period.

In instances where an OI family falls below the OI limit at any time during the applicable 24 consecutive month period are entitled to a new 24 consecutive month grace period and the notification cycle listed above starts over.

Participant

Has the following meaning for the programs referred to in the regulations.

1. Part 960: a resident under the program.
2. Part 905: a resident or home buyer under the program.

Partnership Process

A specific and ongoing process that is designed to ensure that residents, resident groups, and the PHA work in a cooperative and collaborative manner to develop, implement and monitor the CFP. At a minimum, a PHA shall ensure that the partnership process incorporates full resident participation in each of the required program components.

Person in the Business of Selling or Renting Dwellings means any person who:

1. Within the preceding twelve (12) months, has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
2. Within the preceding twelve months, has participated as agent, other than in the sale or his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
3. Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

PHAS (Public Housing Assessment Program)

The revised assessment program for public housing authorities that became effective on October 1, 1998, and applies first to housing authorities with fiscal years ending September 30, 1999.

PHMAP

This assessment program has been replaced by PHAS.

The Public Housing Management Assessment Program (PHMAP) is a process designed to allow HUD and the PHA to identify PHA management capabilities and deficiencies, and to lead to overall better management of the public housing program, in accordance with 24 CFR part 901.

Physical or Mental Impairment

As used in the definition of Disability, includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; Genitourinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Police Officer

A person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify.

Preference Over Single Persons

The following preference has been eliminated unless the PHA specifically adopts this preference locally: An applicant that is a one-or two-person elderly, disabled or displaced family, must be given a preference over an applicant that is a single person who is not an elderly, displaced person, or a person with disabilities, regardless of the applicant's local preferences.

Premises

Means facilities, appurtenances, areas and other facilities held out for use of the resident, or whose use is promised to the resident coincidental with occupancy of a dwelling unit. For purposes of Drug-Related and Criminal Activity, premises means, the building or complex or development in which the public housing unit is located, including common areas and grounds.

Processing Entity

The person or entity that, under any of the programs covered under 24 CFR, Part 5.210-5.238, is responsible for making eligibility and related determinations and any income reexaminations.

Project (Development)

Includes any of the following that meet the requirements of 24 CFR, Part 964, Resident Participation and Management in Public Housing:

1. One or more contiguous buildings;
2. An area of contiguous row houses;

3. Scattered site buildings.

The whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots which are covered by a single contract for Federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site.

Project (Development) for the Elderly or Disabled (24 CFR, Section 942.3)

Means any development assisted under the United States Housing Act of 1937 (other than under Section 8 or Section 17 of the Act), including any building within a mixed-use development, that was designated for occupancy by the elderly or disabled at its inception, or, although not so designated, for which the PHA gives preference in Tenant Selection (with HUD approval) for all units in the development (or for a building within a mixed-use development) to elderly or disabled families. For the purposes of 24 CFR, Part 942, Pet Ownership in Public Housing for the Elderly or Disabled, this term does not include developments assisted under the Low-Rent Housing Homeownership Opportunity program--Turnkey III; 24 CFR, Part 5.300 et al, or under Title II of the U.S. Housing Act of 1937--Indian Housing; 24 CFR, Part 905.

Public Housing Agency (PHA)

Any State, county, municipality, other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in, or to assist in the development or operation of low-income housing. For the purposes of 24 CFR, Part 942, Resident Participation and Management in Public Housing, the term Public Housing Agency does not include Indian Housing Authorities.

Public Use Areas

Interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

Qualified Individual With Disabilities

1. With respect to employment, an individual with disabilities who, with reasonable accommodation, can perform the essential functions of the job in question; and
2. With respect to any non employment program or activity which requires a person to perform services or to achieve a level of accomplishment, an Individual With Disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the recipient can demonstrate would result in a fundamental alteration in its nature; or
3. With respect to any other non employment program or activity, an Individual With Disabilities who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.
4. Essential eligibility requirements include stated eligibility requirements, such as income, as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily

housing be capable of meeting the recipient's selection criteria, and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the recipient. For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety, in the absence of necessary supportive services, may be "qualified" for occupancy in a development where such supportive services are provided by the recipient as part of the assisted program. The person may not be "qualified" for a development lacking such services.

Reasonable Accommodation

Means making alterations or adaptation to provide access to otherwise qualified individuals with disabilities, in the use of the program and facilities, without causing undue hardship or substantially altering the program or activity.

Remaining Member of a Resident Family

Means a person who was a member of a household occupying a PHA dwelling unit, and who remains in the unit after other members of the household have departed, usually because of marriage, separation, divorce, death, or long-term illness requiring placement in a nursing home or other facility.

Residency Preference

A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency Preference Area

The specified area where families must reside to qualify for a residency preference.

Resident

Means a person entitled, under a rental agreement, to occupy a dwelling unit in peaceful possession, to the exclusion of others, and includes the owner of a mobile home renting premises, other than a lot or parcel in a mobile home park, for use as a site for the location of the mobile home.

Resident Council

An incorporated or unincorporated non profit organization or association that meets each of the following requirements:

1. It must be representative of the residents it purports to represent.
2. It may represent residents in more than one development or in all of the developments of a PHA, but it must fairly represent residents from each development that it represents.
3. It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years). **Under HUD COVID-19 Statutory and Regulatory Waivers and Alternative Requirements, the PHA may**

delay the resident council elections beyond the three-year limit if necessary and will resume elections under the timelines provided by HUD.

4. It must have a democratically elected governing board. The voting membership of the board must consist of residents of the development or developments that the resident organization or resident council represents.

Resident Groups

Democratically elected resident groups such as PHA-wide resident groups, area-wide resident groups, single development resident groups, or RMCs.

Resident Management

The performance of one or more management activities for one or more developments by a resident management corporation under a management contract with the PHA.

Resident Management Corporation

The entity that proposes to enter into, or enters into, a management contract with a PHA that meets the requirements of 24 CFR, Part 964, Subpart C, Resident Management Under Section 20 of the U.S. Housing Act of 1937. The corporation must have each of the following characteristics:

1. It must be a non profit organization that is incorporated under the laws of the State in which it is located.
2. It may be established by more than one resident organization or resident council, so long as each such organization or council (a) approves the establishment of the corporation and (b) has representation on the Board of Directors of the corporation.
3. It must have an elected Board of Directors.
4. Its bylaws must require the Board of Directors to include representatives of each resident organization or resident council involved in establishing the corporation.
5. Its voting members must be residents of the development or developments it manages.
6. It must be approved by the resident council. If there is no council, a majority of the households of the development must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the development.
7. It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of 24 CFR, Part 964, for a resident council.

Responsible Entity

The PHA administering the low-income public housing program under an ACC with HUD.

Retail Service

Purchase of utility service by PHA residents directly from the utility supplier.

Section 214

Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

Section 214 Covered Programs

Programs to which the restrictions imposed by Section 214 apply are programs that make available financial assistance pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437-1440), Section 235 or Section 236 of the National Housing Act (12 U.S.C. 1715z-1) and Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, as it applies to programs or activities receiving Federal financial assistance.

Single Person

A person, 18 years of age or older, who lives alone, or intends to live alone, and who does not qualify as an Elderly Family, a Displaced Person, or the Remaining Member of a Resident Family.

Social Security Number

The number that is assigned to a person by the Social Security Administration of the Department of Health and Human Services, and that identifies the record of the person's earnings that are reported to the Administration. The Social Security Number has nine digits separated by hyphens, as follows: 000-00-0000. It does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary under the Social Security System.

Special Admission

Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction

A reduction of welfare benefits, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. It does not include a reduction or termination of welfare benefits by the welfare agency:

1. At expiration of a lifetime or other time limit on the payment of welfare benefits;
2. Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or

- work activities requirements;
3. because a family member has not complied with other welfare agency requirements.

Spouse

Means: the husband or wife of the head of the household. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or “co-head.” “Co-head” is a term recognized by some HUD programs, but not in public and Indian housing programs. This definition applies to Restrictions on Assistance to Non-citizens.

Standard, Permanent Replacement Housing

1. For the purposes of an applicant qualifying for a preference, Standard, Permanent Replacement Housing is housing:
 - a. That is decent, safe, and sanitary;
 - b. That is adequate for the family size; and
 - c. That the family is occupying pursuant to a lease or occupancy agreement.
2. Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence, or Homeless Families, and in the case of domestic violence, referred to under the definition of Involuntary Displacement, does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.

Statement of Family Responsibility

An agreement, in the form prescribed by HUD, between the PHA and a family to be assisted under the Program, stating the obligations and responsibilities of the two parties.

Surcharge

The amount charged to residents for the consumption of Utilities in excess of a reasonable allowance therefore, based on Utility use determined by means of a check-meter. The amount charged by the PHA to a resident, in addition to the Tenant Rent, for the consumption of Utilities in excess of the Allowance for PHA-Furnished Utilities, or for estimated consumption attributable to Resident-owned major appliances, or to optional functions, such as air conditioning, of PHA-furnished equipment. Surcharges calculated pursuant to Section 965.477(b), based on estimated consumption where check-meters have not been installed, are referred to as "Scheduled Surcharges."

Tenant (Resident)

Any lessee or the remaining head of the household of any resident family residing in PHA-owned or leased housing accommodations.

Tenant (Resident) Participation

A process of consultation between residents and the PHA concerning matters affecting

the management of public housing, as a means of providing residents with information about PHA plans and decisions and affording them opportunities to make comments and recommendations, on an advisory basis, about those plans and decisions.

Tenant Rent

1. The amount payable monthly by the Family as rent to the PHA.
2. Where all utilities (except telephone & cable) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment.
3. Where some or all utilities (except telephone & cable) and other essential housing services are not supplied by the PHA, and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Allowance for Tenant-Purchased Utilities.

Term

Means the period of occupancy specified in the rental agreement. Effective April 28, 2000, the term of the lease agreement for public housing units is 12 months and automatically renewable except for non-compliance with the community service requirement, where applicable.

Total Tenant Payment

1. Total Tenant Payment for families whose initial lease was effective on or after August 1, 1982.
Total Tenant Payment is the amount calculated under section 3(a)(1) of the 1937 Act (42 U.S.C. 1437a(a)(1)). Total Tenant Payment shall be the highest of the following, rounded to the nearest dollar:
 - a. 30 percent of Monthly Adjusted Income;
 - b. 10 percent of Monthly Income; or
 - c. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under paragraph (C) of section 3(a)(1) of the 1937 Act (42 U.S.C. 1437a(a)(1)(C)) shall be the amount resulting from one application of the percentage.
 - d. A minimum of \$50.00 was adopted by the PHA.
2. Total Tenant Payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
3. 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 (contained in the April 1, 1995 edition of 24 CFR, parts 900 to 1699), will continue to govern the total Tenant Payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.
4. Mutual-help home ownership developments.
Paragraphs 1 of this section shall not apply to Mutual Help Home ownership developments (see 24 CFR, Part 905, Section 905.416).
5. Total Tenant Payment does not include any Surcharge or other miscellaneous charges.

Unit Size

Unit size or size of unit refers to the number of bedrooms in a dwelling unit.

Un-reimbursed Medical Expense Costs

This deduction is granted only to elderly or disabled families. A range of medical expenses and services can be claimed, including but not limited to the following, to the extent that the total medical expenses exceed 3% of annual income:

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

U.S. Citizenship and Immigration Services (CIS)

Formerly called the Immigration and Naturalization Service (INS).

Utility Allowance

The cost of utilities (except telephone & cable) and other housing services for an assisted unit that is not included in the Tenant Rent, but is the responsibility of the Family Occupying the unit, and an amount equal to the estimate made and adopted by the PHA and approved by HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit, by an energy conservative household of modest circumstances, consistent with the requirements of a safe, sanitary, and healthful living

environment.

Utility Reimbursement

Where applicable, the utility reimbursement shall be paid to the family in the manner provided in the pertinent program regulations. A PHA or owner may pay the utility reimbursement directly to the utility company without the consent of the family; however, the PHA must advise the family of the amount paid.

Very Low-Income Family

1. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.
2. HUD may establish income limits higher or lower than 50 percent of the median income for the area, on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

Veteran

1. Means any person honorably discharged from the Armed Forces of the United States, who served in any of the following wars or conflicts, but not limited to these, World War I, between April 6, 1917, and November 11, 1918, both dates inclusive; or in World War II, on or after December 7, 1941, until final cessation of all hostilities; or in the Korean Conflict; Lebanon Crisis; Berlin Crisis; the Congo; the Dominican Republic, and Vietnam.
2. "Veteran" does not include a person enlisted and accepted for active training only for a period of six (6) months or less.

Violent Criminal Activity

Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be likely to cause, serious bodily injury or property damage.

Welfare Assistance

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

Appendix H

IRS PUBLICATION 502 – MEDICAL AND DENTAL EXPENSES

(INSERT HERE)