

**HOUSING AUTHORITY OF THE
BOROUGH OF MADISON**

**ADMISSIONS, OCCUPANCY AND RENTAL
POLICY**

ADOPTED BY THE BOARD OF COMMISSIONERS

Revisions:

- June 2000**
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ADMISSION, OCCUPANCY AND RENTAL POLICY

1.0 INTRODUCTION/PURPOSE

1.1 Purpose of Policy

The purpose of this document is to explain the policies, rules and procedures of the Housing Authority of the Borough of Madison, as they relate to the admission of and continued occupancy of residents in public housing. It will also state the rules and procedures employed to calculate rent. This policy complies with the principles in Section 206 of the Housing and Community Development Amendments of 1979, Section 203 of the Housing and Urban Rural Recovery Act of 1983 and the Quality Housing and Work Responsibility Act of 1998.

Whereas it is the policy of the Housing Authority of the Borough of Madison to fulfill the stipulations expressed in the U.S. Housing Act of 1937 and all subsequent amendments thereto as enacted by the Housing and Community Development Acts in the operation of all low-income public housing under its administration, and whereas it is the commitment of the Borough of Madison, the Housing Authority of the Borough of Madison finds it necessary to delineate the admission, continued occupancy and rental policies and practices, and set priorities so as to accomplish its commitment to provide decent, safe and sanitary housing to eligible applicants, and residents in occupancy. It is pursuant to this goal that the Authority establishes the following criteria pertinent to eligibility for admission to its low-income housing developments under its jurisdiction, as well as rules and regulations to determine the calculation of rents. Notwithstanding the above, changes in applicable federal law or regulations as per 24 CFR Part 900 shall supercede provisions in conflict with this policy.

1.2 Fair Housing Policy

In establishing these criteria, the Authority has complied with all regulations of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the HUD regulations of May 21, 1984, requirements as outlined in the Public Housing Occupancy Handbook, 7465.1 Rev. dated 10/78 and HUD regulations of May 12, 1988 as outlined in notice PIH 88-16, 7465.1 Rev-2. In an effort to provide a decent home and a suitable living environment which fosters economic and social mobility in the resident body as a whole, the Authority hereby adopts policies and procedures which embody standards and criteria for resident selection that takes into consideration the needs of individual families for low-income housing, as well as the statutory purpose in developing and operating socially and financially sound low-income housing developments.

- 2.1.1 Have demonstrated satisfactorily by past performance the ability to pay such monthly rent as would be determined according to the Authority's rent policy.
- 2.1.2 Have demonstrated through acceptable references the ability to conduct themselves in a manner that will not impair the environment and/or security of other residents residing in the development.
- 2.1.3 Have demonstrated by past performance and behavior that family members are likely to obey all rules and regulations as embodied in the resident's lease, as well as the rules and regulations embodied herein.
- 2.1.4 Have demonstrated by past behavior that family members will take affirmative action to maintain both the apartment they are seeking to lease as well as the common area of the development in which the apartment is located in a safe, healthy and sanitary condition.
- 2.1.5 In the event, however, that in the course of soliciting relevant information that will help determine the suitability and eligibility of any individual applicant as a potential public housing resident, any unfavorable information is received with respect to the applicant, the Authority shall consider such factors as might indicate a reasonable probability of favorable future conduct or financial prospects such as 1) evidence of rehabilitation or 2) evidence of participation in or willingness to participate in social service or other appropriate counseling service programs offered by the community at large.
- 2.1.6 The Rexford S. Tucker Apartments is classified as an "elderly-only" building for individuals 62 years of age or older.

However, the above criteria **will not** be employed to deny admission to potential residents on the basis of race, creed, color, national origin, marital status, and other factors enumerated in Title VI of the Civil Rights Act of 1968.

While the Housing Authority envisions itself as being responsive to the community's needs for low-income housing, it cannot accommodate all emergency cases because of limited resources and its obligation to adhere to the standards set forth herein. However, its resident selection process will aim at achieving these objectives by adhering to the criteria established herein.

2.1.7 **Verification Requirements.** The following items of information are subject to verification by the Authority to determine eligibility and rent:

- a) Income. The Authority will use the following to verify income:

f) Separation or Divorce. If an applicant is divorced or separated and has a child or children by that spouse the applicant must provide one of the following verifications:

(1) A Final divorce decree. (Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced.)

(2) Receiving court-ordered child support from former spouse.

(3) Verification that applicant is pursuing child support through the courts or probation department.

(4) If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system, usually the probation department.

(5) Receipt of TANF (Temporary Assistance to Needy Families) through the municipal or county Department of Human Services for former spouse's children.

(6) Income tax statement from both the husband and wife showing that they each filed separately.

(7) A written statement from an attorney certifying that a suit for divorce has been filed.

(8) A written statement from an abuse shelter, law enforcement agency, social service agency that the applicant needs housing due to physical abuse.

g) Displacement Status. The Authority will verify the applicant's displacement status by contacting the municipal office responsible for this action.

h) Unemployment Compensation or Veterans benefits.

i) Non-Economic Selection Criteria. The Authority will make use of credit checks, home visits by Authority's staff, court and police records, and references of prior landlords to obtain this information.

(14) Verification of social security benefits with the Social Security Administration.

If the MHA verifies social security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

- l) Eligible Citizenship Status. The Authority requires verification of eligible citizenship status in the form of birth certificates, passports, permanent residency cards, etc.

All information obtained from the applicant concerning eligibility will be verified when a suitable dwelling is expected to be available.

2.1.8 Confidentiality. All records concerning an applicant or Resident are strictly confidential.

- a) All applicants applying for public and/ or assisted housing shall complete and execute a Federal Privacy statement that states under what conditions HUD will release information. Requests for information concerning a specific Resident must be in writing and accompanied by a signed release request before the MHA will release any information.
- b) All applicants applying for public and/ or assisted housing shall complete and execute release for information form. This form will enable the MHA to obtain information regarding the applicant. Such information will be used solely in determining eligibility and suitability for admission.

2.2 Specific Standards of Eligibility

2.2.1 Eligibility for Admission. Applicants to be admitted into the Authority's low-income housing must satisfy all of the following additional requirements:

- a) Qualify as a family as defined in Section 10.0.
- b) Have a total family income, less enumerated deductions*, which cannot exceed the maximum income limits for admission as set forth in Exhibit A.

resident family, the Authority, as provided in 24CFR Section 860.6, will not commence eviction proceedings or refuse to renew a lease based upon the income of the resident family unless it has identified for possible rental by the family a unit of decent, safe and sanitary housing of suitable size available at a rent not exceeding 30% of adjusted income as defined by this policy.

2.4 Related Procedures – Process of Applying for Admission

In order to insure that very low-income families are not discriminated against, it shall be the policy of this Authority to admit not less than 40% of all families with incomes at or below 30% of the area median income in accordance with the Income Targeting provisions of the Quality Housing and Work Responsibility Act of 1998.

The Authority shall obtain a written application signed by a responsible adult member of the family. This application shall set forth all data and information necessary to enable the Authority to determine whether or not the family meets the conditions for admission or continued occupancy.

All applications received shall be dated and maintained in the central office by the resident selection staff. Each application shall be assigned an appropriate place on a community-wide basis in sequence based upon date the application is received, suitable type and size of unit and factors affecting preference or priority established by the Authority, not inconsistent with the objectives of Title III of the Civil Rights Act of 1964 and the HUD regulations and requirements pursuant thereto.

Eligible families on the waiting list must contact the Authority immediately if any change in family composition, income or factors affecting preference should occur.

Suitable vacancies arising at a given time at any location shall be offered to the eligible applicant first in sequence at such time. If the applicant offered the available apartment refuses, they will be given another choice if one exists. If another unit is not available, then the applicant will be given a second offer as soon as one becomes available. If the applicant rejects the second offer, they will be moved to the bottom of the eligible applicant list.

However, if an applicant presents to the satisfaction of the Authority clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, or national origin, such as inaccessibility to source of employment, children's day care and the like, refusal of such an offer shall not be counted as one of the two allowable

The Authority may from time to time close its waiting list by suspending the acceptance of any new applications for assistance. The Authority will make it known to the general public through the publication in the media of the fact that applications are being suspended. When the Authority determines it is in their best interest to open the waiting list and begin accepting applications again they will publish in the news media an advertisement stating that applications are available. The advertisement shall contain the following:

- The HA will publish the date applications will be accepted and the location where applications can be completed. If the HA anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.
- Advise families that applications will be taken at the designated office;
- Briefly describe the Public Housing program; and
- State that applicants for Public Housing must specifically apply for the Public Housing Units and that applicants for Public Housing may also apply for to the Section 8 Program, if applicable, and they will not lose their place on the Public Housing waiting list if they also apply for Section 8 assistance. For this to be applicable the HA must have a Section 8 Program and be accepting applications for Section 8 assistance.
- To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

2.5 Non Compliance with Housing Authority Schedule of Appointments and Submission of Documents

An applicant must adhere to all schedules established by the housing authority to review eligibility. An applicant who fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process for failure to supply such certification, release of information or documentation as the HA or HUD determines to be necessary (or failure to allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable) in the following situations:

- Complete Application
- Bringing in Verification Information
- Briefing prior to Occupancy

approximate date cannot be determined, the Authority will inform the applicant of their status on the waiting list and its length.

2.6.2 An ineligible applicant will be notified of the basis for the determination and will be provided upon a written request within ten (10) days after the determination with an opportunity for an informal meeting. The authority will hold this informal meeting within ten (10) days of the request. The person designated by the authority to conduct the informal meeting shall be an impartial person appointed by the authority other than the person who made the initial determination under review. The meeting shall be conducted in accordance with applicable HUD and housing authority rules. The hearing officer shall return a decision within ten (10) days of the meeting. The housing authority's grievance procedure applies only to residents. It does **not apply** to applicants.

2.6.3 The Authority will maintain all applicants' records indicating the final action taken, including applications that have been determined inactive.

2.7 Deconcentration

Section 513 of the Quality Housing and Work Responsibility Act of 1998 makes several amendments to Section 16 with respect to deconcentration of poverty and income targeting. The housing authority will make every effort to provide for deconcentration of poverty and income-mixing by bringing higher income residents into lower income projects and lower income residents into higher income projects whenever possible.

The housing authority may offer incentives to eligible families that would help accomplish this goal. In addition, skipping of a family on the waiting list specifically to reach another family with a lower or higher income will be done as required to meet this goal.

The housing authority will try to maintain a balanced income mix on all of its scattered sites. Replacing vacancies from the same or similar income levels will maintain this mix.

The housing authority will establish a working family preference, will continue to affirmatively market units and provide rent incentives as permitted by the QHWRA.

- 3.8** Have committed acts that would constitute fraud in connection with any federal housing program.
- 3.9** Did not provide information required within the specified timeframe as outline in Section 2.5 above.
- 3.10** Has been convicted of a drug-related criminal offense or violent criminal activity. The MHA shall deny admission to a family that contains a member of the household who is subject to the lifetime registration for sex offenders.
- 3.11** If the authority determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other Residents. The authority may waive this requirement if:
- 3.11.1** The person demonstrates to the authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 3.11.2** Has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3.11.3** Has otherwise been rehabilitated successfully; or
 - 3.11.4** Is participating in a supervised drug or alcohol rehabilitation program.
- 3.12** Has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activities that may adversely affect the health, safety and welfare of other Resident.
- 3.13** Intentional misrepresentation of verification information as outlined in Section 2.8 above.
- 3.14** Section 2.4. If this information is used to deny admission the authority will provide a copy of the information used in its determination in accordance with the Criminal Records Management Policy.

This list is not to be construed as totally inclusive, and there may be circumstances not listed which may be used for denial of admission if the authority determines that to admit the household or member thereof would have a detrimental affect on the health, safety or right to peaceful enjoyment of the premises by other Residents.

3.15 Limited Periods of Denial of Admissions

If an applicant is denied admission, it may be determined by the authority to only

4.0 RENT POLICY

The Total Resident Payment (Rent) will be the greatest of:

- (a) 30% of family monthly adjusted income
- (b) 10% of family monthly gross income
- (c) Welfare assistance specifically designated for rent
- (d) \$50.00 minimum monthly rent

Applicable utility allowance shall be subtracted from the established gross rent. If the allowances for resident supplied utilities applicable to the family exceeds computed rent, the family will receive a credit from the Authority of the difference.

4.1 Broad Range of Incomes Objective

To accomplish this objective the Authority shall:

- 4.1.1** Ascertain the distribution of income within the community based upon the most recent census or other reliable data on family incomes;
- 4.1.2** Ascertain the distribution of incomes of families on the Authority's waiting list;
- 4.1.3** Ascertain the average operating costs of the project and the average rent required to meet such costs;
- 4.1.4** Ascertain the average rent which would be achieved based upon the incomes of low-income families in accordance with the distribution of incomes of all low-income families in the community's area of operation;
- 4.1.5** Ascertain the average rent which can be achieved based upon the incomes of the families on the waiting list;
- 4.1.6** Utilizing the above information, develop criteria, by preference or otherwise, that will be reasonably calculated to attain the basic objective. The criteria developed will be sufficiently flexible to assure administrative feasibility.

4.2 Rent Collection

Rents are due and owing in advance by the first of each month, payable at the Housing Authority offices. A late charge of \$20.00 will be imposed upon any resident who fails to pay rent in full by the 5th day of the month. No partial

4.4.5 Other circumstances which may be decided by the MHA on a case-by-case basis.

All of the above must be proven by the Resident providing verifiable information in writing to the MHA prior to the rent being delinquent and before the lease is terminated by the MHA. If Resident requests a hardship exemption under this section, and the MHA reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety-day period beginning upon the making of the formal request for the exemption. A Resident may not be evicted during the ninety-day period for nonpayment of rent. In such a case, the Resident thereafter demonstrates that the alleged hardship is of a long-term nature and not temporary, the MHA shall retroactively exempt the Resident from the minimum rent requirement for the ninety-day period past. This paragraph does not restrict nor prohibit the MHA from taking legal action to evict the Resident for other violations of the lease.

4.5 Flat Rents/Ceiling Rents and Transitional Ceiling Rents

Effective October 1, 1999 the Authority will no longer allow a resident to choose the transitional ceiling rent instead of the traditional rent based upon 30% of their income. After this date these transitional ceiling rents will not be available and the flat rents will take their place.

5.0 OCCUPANCY STANDARDS

The following standards will determine the number of bedrooms required to accommodate a family of a given size and will be adhered to in every instance where availability of units permits.

<u># Bedrooms</u>	<u>Minimum # Persons</u>	<u>Maximum # Persons</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

In the assignment of dwelling units, only persons of the opposite sex who are husband and wife, or where the Authority determines that a "stable relationship" exists, will be allowed to occupy the same bedroom. An exception to this policy will be any case where there are infants and children up to five years of age. In extraordinary cases these standards may be waived (e.g. intergenerational families). Reassignment or transfers to other dwelling units shall be made without regard to race, color, creed or national origin as follows:

occupant without delay. The Authority will consider evidence of hardship requiring reasonable additional time within which to remove the resident's belongings following their death. The co-signer shall not be liable for rentals or other charges owed by the elderly resident to the Authority.

In the event the Authority shall determine a resident is unfit and unable to govern their affairs and meet their responsibilities under the lease or in the event of the death of a resident, the personal property must be removed from the unit within 15 days of the date of the Authority's determination of incapacity or the date of death. If the property is not removed, the Authority shall have the right to enter the premises, remove the personal property of said incapacitated or deceased resident and cause such property to be transported and stored at the sole cost of the estate of said resident.

6.3 Transfers

Transfers of families from one unit to another shall occur only as follows:

- Increase or decrease in family size that creates overcrowding or underutilizing of the unit.
- Family whose member becomes disabled, or when a disabled member no longer lives in the unit.
- To avoid vacancy loss and other expense due to unnecessary transfers.

If a resident's family transfers from one dwelling unit to another, a new lease shall be executed.

In the event the Authority requires a resident to move other than when an additional person moves into the apartment and an appropriate size apartment is available, the Authority will provide a mover at the Authority's expense.

6.3.1 Types of Transfers:

HA initiated: The HA may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management.

For these types of transfers the HA will cover the cost of the transfer pursuant to cost allowed by HUD.

Transfers for Reasons of Health: Resident may be transferred when the HA determines that there is a medical need for such transfers, such as inability to negotiate stairs or steps. The resident will be required to

Transfers for Over/Under-housed Families to the Appropriate Unit. The HA may transfer residents to the appropriate sized unit and that residents are obligated to accept such transfers. Transfers will be made in accordance with the following principles:

- (1) Determination of the correct sized apartment shall be in accordance with the HA's occupancy guidelines, as outlined in Occupancy Guidelines.
- (2) Transfers into the appropriate sized unit will be made within the same neighborhood unless that size does not exist on the site.
- (3) The resident must pay for their moving expenses.

Priorities for transfers - All transfers must be either for health reasons, for relocation to an appropriate sized unit, approved convenience transfers, or initiated by the HA due to modernization work and/or other good cause as determined by the HA. Priority transfers are listed below:

- (1) HA initiated transfers,
- (2) Transfers for health reasons,
- (3) Residents who are under-housed by two or more bedrooms,
- (4) Residents who are over-housed by two or more bedrooms,
- (5) Residents who are under-housed by one bedroom,
- (6) Residents who are over-housed by one bedroom; and,
- (7) Convenience transfers.

Within each priority type, transfers will be ranked by date. In processing transfers requested by residents for approved health reasons or to move to a larger apartment, the date shall be that on which the changed family circumstances are verified by the Manager. The HA reserves the right to immediately transfer any family who has misrepresented family circumstances or composition and the family charged the posted rate for convenience transfers. Failure to pay for these charges will result in termination of the dwelling lease.

6.3.2 Transfer Procedures: - The HA shall:

- Prepare a prioritized transfer list, as needed, at re-examination.
- Notify residents by letter of their pending transfer.
- Participate in evaluation of request for transfer based on approved medical reasons.

will be deducted from any security deposit of that resident. All charges will be based on an hourly rate for removal and actual rate for storage and/or disposal.

6.5 Interim Re-examinations

During the lease agreement, changes in rent or family composition shall be processed as follows:

6.5.1 Changes in rent shall be made by submitting a Recertification Application, verifying new income and/or family members and executing a rider to the lease. This rider must be dated and signed by both the Authority and the Resident. A copy will be given to the resident and the original shall be kept in the Authority's office.

6.5.2 Changes in the primary lessee shall cause a new lease to be made for the apartment.

6.5.3 If, through any cause, the signer of the lease ceases to be a resident member of the family, the lease will be voided and a new lease executed. A remaining member of the family who can qualify as a lessee will sign this new lease. If, nevertheless, no member is qualified to sign a new lease, the existing lease will be voided and the family will be required to vacate.

6.5.4 Cancellation of a resident's lease will be made in accordance with the provisions of the lease attached hereto.

If, during the tenure of a lease agreement, a resident requests the addition of a family member to the lease, the Authority will follow the same procedure when reviewing this individual's suitability for the public housing as it follows when reviewing the initial applicant. The review of this individual will include all of the items as outlined in Section 2.0 of the Admissions and Occupancy Policy.

If it is determined that this individual will not be a suitable resident of the public housing, the Authority will notify the family that this individual will not be allowed to reside in the public housing nor be added to the lease. At this point the resident may accept the Authority's decision or terminate their tenancy.

7.0 SMOKING POLICY

Smoking is prohibited in all apartments and common areas of the building. Individuals who are found smoking in any of these areas will be in breach of their lease and subject to the Authority's action. Public areas are as follows:

Approximately three months prior to a lease renewal date, the Authority will send a notice informing the resident of the requirements necessary to recertify and renew the lease. An interview must be scheduled and all documentation requested by the Authority must be submitted on or before the first of the month before the lease expires. If, by that date, the resident has not scheduled an interview nor provided the necessary documents, a notice will be sent to the resident giving them 10 days to provide the required information in accordance with the lease. The notice will also inform the resident that failure to provide the required information will result in termination of the lease. If the resident fails to respond within 10 days, a 30-day Notice to Quit will be sent to the resident.

If the Authority is unable to determine the annual income of a resident due to the resident's failure to provide adequate and complete financial information, the Authority shall increase the resident's monthly rent to the corresponding ceiling rent level for the unit effective on the lease renewal date. The flat rent will remain in effect until the resident provides complete and accurate financial information and the Housing Authority has obtained required third-party written verification as stipulated by HUD guidelines.

The length of time from the date of admission to the date of first recertification may not exceed 12 months according to current federal regulations. Therefore, in order to fit a new resident into the established schedule, the first regularly scheduled recertification may be conducted in a period of less than 12 months.

The resident is to be notified in writing of any changes required in rent or unit occupied and of any misrepresentations or lease violations revealed by the recertification and the corrective action that must be taken.

In accordance with 24CFR 960.257, for families that choose the flat rent, the Authority will conduct a reexamination of family composition annually and a reexamination of family income at least once every three years. A family electing to pay the flat rent may request an interim examination of family income at any time and the Authority will process this request as set forth in 6.5 "Interim Reexaminations".

10.1 Community Service Requirements

Section 512 of the Quality Housing and Work Responsibility Act of 1998 states, "...each adult resident of a public housing project shall—

(A) contribute 8 hours per month of community service (not including political activities) within the community in which that adult resides; or

(B) participate in an economic self-sufficiency program (as that term is defined in subsection (g)) for 8 hours per month.

Exemptions.—(1) ... for any individual who—

(D) may not renew or extend the resident's lease upon expiration of the lease term and shall take such action as necessary to terminate the tenancy of the household, unless the agency enters into an agreement, before the expiration of the lease term, with the resident providing for the resident to cure any noncompliance with the requirement under paragraph (1), by participating in an economic self-sufficiency program or contributing to community service as many additional hours as the resident needs to comply in aggregate with such requirement over the 12 month term of the lease.

11.0 INSPECTIONS

11.1 Initial Inspection at Move-In

Prior to initial occupancy, the housing authority and the Resident shall perform a walk-through of the unit to determine its condition at time of move-in. A written inspection report shall be prepared by the housing authority and signed by the Resident. This inspection report shall document any and all conditions within the unit prior to occupancy.

11.2 Inspection at Move-Out

Prior to move-out, the housing authority and the Resident shall perform a walk-through of the unit to determine its condition at time of move-out. A written inspection report shall be prepared by the housing authority and signed by the Resident. This inspection report shall document any and all conditions within the unit prior to move-out. Any security deposit shall be used to offset any damages recorded. It is the Resident's responsibility to pay for any repairs to the unit due to their actions.

11.3 Annual Inspections

At least once a year the housing authority will perform an inspection of the dwelling unit. This inspection will be in accordance with the Housing Quality Standards (HQS), and a copy of the report will be forwarded to the Resident. Any deficiencies found at the time of the inspection will result in the development of a work order for the repair. If Resident's negligence or abuse instigated the required repair, the Resident will be responsible for paying for the repair. A list of all maintenance charges will be provided the Resident at Lease signing. Resident will be given at least 48 hours noticing of inspection.

If the inspection indicates that the Resident has poor housekeeping habits that need to be improved upon, the inspector will file a report and a subsequent meeting will be scheduled with the Resident to counsel the Resident on their poor housekeeping habits. A follow-up inspection as outlined in Section 11.5 may be scheduled within 30 days to

- Resident can show a change in their circumstances (such as a decline in income) which would justify a reduction in rent pursuant to the Schedule of Rents or such other circumstances as would create a hardship situation.
- Resident commences to receive public assistance or assistance is terminated.
- It is found that a resident has misrepresented the facts upon which rent is based so that the rent owed is less than it should be. The increase in rent will be retroactive.

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If the required documents are submitted by the 15th of the month, the rent will be adjusted retroactive to the first of the month. If the required documents are submitted after the first of the month, the rent will be adjusted on the first of the month following the recertification.

13.0 TERMINATION OF THE LEASE

See Lease, Section 12. In the event the Authority is forced to institute legal action for eviction, the resident will be responsible for any legal costs incurred by the Authority. In the event the Authority is forced to institute legal action for eviction and the resident is evicted, the resident shall be responsible for any reasonable legal and court costs incurred by the Authority. Also refer to Section 4.2 of this handbook for attorney, court & eviction costs.

14.0 DEFINITION OF TERMS

Child Custody. An applicant or Resident who does not have full custody of a minor child(ren) may only claim a child as a dependent as follows:

- a) The applicant or Resident must have primary custody of the child(ren).
- b) The applicant or Resident must provide sufficient evidence that if the applicant were admitted the child would reside with the applicant. The same child cannot be claimed by more than one applicant(i.e. counted more than once in order to make two (2) eligible families).

Citizen. An individual born in the United States or naturalized.

Dependent. A member of the household (excluding foster children) other than the head or spouse, who is under 18 years of age, is a disabled or handicapped person, or is a full-time student. An unborn child shall be considered for purposes of income eligibility and unit size.

family as defined above, the remaining member of a resident family, or single person family as defined below. By definition a family must contain a competent adult of at least 18 years of age to enter into a contract and capable of functioning as the head of household.

There must be some concept of family living together beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them as a family within the meaning of this policy.

Foster Child(ren). With the prior consent of the MHA a foster child may reside in the dwelling unit. This determination will be based on the following:

- a) Whether the addition of the child will require a larger unit for the family and subsequently lead to a transfer to another unit.
- b) The ability to make reasonable accommodations for the handicapped person.

Full-time Student. A person who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution.

Grievance Procedure. All Residents are afforded the rights under the grievance policy of the MHA. The grievance policy and procedures are incorporated into this document by reference and is a guideline to be used for grievances and appeals.

Handicapped Person. A person having a physical or mental impairment which 1) is expected to be of longstanding and indefinite duration, 2) substantially impedes their ability to live independently, and 3) is of such nature that such ability could be improved by more suitable housing conditions.

Hazardous Duty Pay. Pay to a family member in the Armed Services that is away from his primary residence and in a hostile situation. The pay received for this duty is not included in the total family income.

Head of Household. The adult family member who is held responsible and accountable for the family.

Homelessness. An individual or household is considered to be homeless as follows:

- a) They lack a fixed, regular and adequate residence.
- b) They have a primary residence that is
 - (1) A supervised shelter designed to provide temporary living arrangements (including welfare hotel, congregate shelters and transitional housing or housing for the mentally ill.);

Recertification. Recertification is to reexamine documentation that indicates that Residents meet continued occupancy standards and to determine their income for the purposes of calculating rent.

Reexamination Date. The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent.

Remaining Member of Resident Family. The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must occupy the unit to which he/ she claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must complete the required forms of the MHA within ten (10) days from the departure of the leaseholder and may remain in the unit for a reasonable amount of time pending verification and processing of their request. This person must upon satisfactory completion of the verification process then execute a new lease and cure any monetary defects and obligations in order to remain in the unit.

Any person who claims to be a remaining member of the family unit shall in the event that the MHA declares them to be ineligible for remaining member status, be entitled to a grievance hearing upon notice that they will not be considered a remaining member of the household. The grievance procedure will meet all of the guidelines as outlined in the lease and lease attachments. During the interim between the time of the determination that there will be a grievance hearing and the determination of the grievance hearing officer, all rent that was due pursuant to the lease shall be deposited into an escrow account with the MHA. The MHA does not recognize the person as a Resident by giving him or her the opportunity for a grievance hearing. A remaining member shall not be considered to be a Resident until such time as a new lease is executed by the Authority and the person granted Resident status after verification of all income and other related information.

Serviceman. A person currently in the active military service of the United States.

Single Person. A person living alone or intending to live alone and who does not qualify as an elderly family, displaced person, or the remaining member of a resident family. (No PHA may admit single persons to any housing assisted under the Act without an authorization by HUD as provided in 24CFR Section 812.3.)

Spouse. The husband or wife of the head of household.

Veteran. A person who has served in the active military or naval service of the United States at any time as the President of the United States shall determine, and who has been discharged or released therefrom under conditions other than dishonorable.

- b) Lump-sum additions to family assets such as, but not necessarily limited to, inheritances, insurance payments, worker's compensation, capital gains, and settlements for personal or property losses.
- c) Amounts of education scholarships paid directly to the student or the educational institution and amounts paid by the United States Government to a veteran for use in meeting the cost of tuition, fees, books, to the extent that such amounts are so used. Any amounts of such scholarships or payments to veterans not used for the above purpose that are available for subsistence are to be included in income, as well as the hazardous duty pay to a family member in the Armed Forces away from home and exposed to hostile fire.
- d) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- e) The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1977.
- f) Payments received by participants or volunteers in programs pursuant to the Domestic Volunteer Service Act of 1973.
- g) Payments received by participants in other publicly assisted programs as reimbursement for out-of-pocket expenses incurred, e.g. special equipment, clothing, transportation, reimbursement for child care, etc. which are solely to allow participation in a specific program and cannot be used for other purposes.
- h) Income of a live-in aide as defined above.
- i) Income from employment of children (including foster children) under the age of 18 years.
- j) Payments received for the care of foster children.
- k) 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 1937 Act.
- l) Payments received from the Job Training Partnership Act.
- m) Payments from Programs under Title V of the Older Americans Act of 1965.
- n) Payments received under the Alaska Native Claims Settlement Act.

begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job. This provision does not apply to residents participating in the Family Self-Sufficiency Program who are utilizing the escrow account. Also, residents are required to pay the appropriate minimum rent.

y) 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 HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time.

z) Compensation from State or local employment training programs 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 a limited period as determined in advance by the HA.

aa) For all initial determinations and reexaminations of income carried out on or after April 23, 1993, 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.

bb) Earning in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).

cc) Adoption assistance payments in excess of \$480 per adopted child.

dd) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment received on or after October 28, 1992.

ee) 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.

ff) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

excluding full-time student income, income which is temporary, non-recurring or sporadic as defined below. Total family income should include that portion of the income of the head of household or spouse temporarily absent which, in the determination of the Authority, is available to meet the family's needs. Total family income includes, but is not limited to the following:

- a) The full amount, before any payroll deductions, of wages and salaries, including compensation for personal services such as commissions, fees, tips, bonuses, and cash payments.
- b) Net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine net income from a business.
- c) Interest, dividends, and net income of any kind of real or personal property. Where the family has net assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net assets or a percentage of the value of such assets based on the current rate as determined by HUD.
- d) The full amount received from annuities, periodic payments from insurance policies, retirement income, pensions, periodic benefits for disability or death and other similar types of periodic receipts.
- e) Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, worker's compensation and termination wages.
- f) Welfare assistance payments.
- g) Periodic and determinable allowances, such as alimony, child support and regular contributions or gifts, including amounts received from any persons not residing in the dwelling unit.
- h) All regular pay, special payments and allowances, such as longevity, overseas duty, rental allowances, allowances for dependents, etc. received by a member of the Armed Forces, with the exception of hazardous duty pay.
- i) Payments to head of household for the support of a minor, or payments nominally to a minor for their support, but control for their benefit by the head of household or a resident family member other than the head, who is responsible for their support.
- j) Veterans Administration compensation (Service connected disability or death benefits)

Very Low Income Family. A Lower Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for family size. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

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.

17.0 ATTACHMENTS

- Exhibit A: Income Limits for Admission
- Exhibit B: Application
- Exhibit C: Rental Calculation
- Exhibit D: Utility Allowances
- Exhibit E: Lease
- Exhibit F: Schedule of Move-Out Charges
- Exhibit G: Flat Rent Schedule
- Exhibit H: Parking Policy
- Exhibit I: Pet Policy
- Exhibit J: Barring Policy
- Exhibit K: Grievance Procedure
- Exhibit L: Tenant Handbook (Senior & Scatter Site)