

City of Glendale, Arizona
Community Housing Division



Conventional Public Housing

**ADMISSIONS AND CONTINUED
OCCUPANCY POLICY**

Revision Date July 2010



ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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City of Glendale Community Housing Division Admissions and Continued Occupancy Policy



This Admissions and Continued Occupancy Policy defines the City of Glendale, Community Housing Division (CHD) policies for the operation for the Public Housing Program, incorporating Federal, State, and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING (§960.103)

It is the policy of CHD to fully comply with all Federal, State, and local nondiscrimination laws; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. CHD shall affirmatively further fair housing in the administration of its public housing program.

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

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

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

2.0 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of CHD housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines in the 504 transition plan CHD will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not

always apparent, CHD will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

The U.S. Department of Housing and Urban Development defines a disabled person in three ways:

- (1) A disabled person is one with an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.
- (2) A developmentally disabled person is one with a severe chronic disability that:
 - (a) is attributable to a mental and/or physical impairment;
 - (b) as manifested before age 22;
 - (c) is likely to continue indefinitely;
 - (d) results in substantial functional limitations in three or more of the following areas: capacity for independent living, self-care, receptive and expressive language; learning, mobility, self direction, and economic self-sufficiency AND
 - (e) requires special interdisciplinary or generic care treatment, or other services which are of extended or lifelong duration and are individually planned or coordinated.
- (3) A disabled person is also one who has a physical, emotional or mental impairment that:
 - (a) is expected to be of long-continued or indefinite duration;
 - (b) substantially impedes the person's ability to live independently;
 - (c) is such that the person's ability to live independently could be improved by more suitable housing conditions.

2.1. Communication

All communication with applicants, program participants, residents, or any information on the programs that is a brochure, notice, etc. will contain information as to how to request a reasonable accommodation. Any notification requesting action by the participant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests will be in writing.

2.2. Questions to Ask in Granting the Accommodation

- A. Is the requestor a person with disabilities? For this purpose, the definition of person with disabilities is different from the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, CHD will obtain verification that the person requesting the accommodation is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, CHD will obtain documentation that the requested accommodation is needed due to the disability. CHD will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
1. Would the accommodation constitute a fundamental alteration? CHD's business is housing. If the request would alter the fundamental business that CHD conducts, that would not be reasonable. For instance, CHD would deny a request to have CHD do grocery shopping for a person with disabilities.
 2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, CHD may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, CHD retains the right to be shown how the requested accommodation enables the individual to access or use CHD's programs or services.

If more than one accommodation is equally effective in providing access to CHD's programs and services, CHD retains the right to select the most efficient or economical choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by CHD if there is no one else willing

to pay for the modifications. If another party pays for the modification, CHD will seek to have the same entity pay for any restoration costs.

If the individual requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, CHD will generally approve such request if it does not violate codes or affect the structural integrity of the unit. If the needs of the individual can be met by a currently existing adapted unit at one of the rental housing communities, they may be offered that unit. If there are no individuals requesting reasonable accommodation, an adapted vacant unit will be filled with a non-challenged applicant. However, the lease should provide that, should a challenged person requesting an accommodation later become available for the unit, the non-challenged tenant agrees to move to another suitable unit.

In order to meet requirements of PIH Notice 2006-13, Non-discrimination and Accessibility for Persons with Disabilities, if there are no accessible units available, the accessible unit does not meet the needs of the person/family requesting a reasonable accommodation, or if the change will create an undue financial hardship or administrative burden, a Section 8 Voucher will be issued.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

3.0 SERVICES FOR LIMITED ENGLISH PROFICIENCY (LEP) APPLICANTS AND RESIDENTS

All applicants that appear to be experiencing difficulties communicating in English will be asked if they need to communicate in a language other than English (including sign language or Braille). Their needs will be accommodated as much as possible to a reasonable extent. If the need is a language other than English or Spanish, a family member or a friend can translate. This option will be utilized to the comfort of staff and applicant. CHD will endeavor to have bilingual staff or access to people who speak languages other than English.

CHD shall do its best, within reason, to assist people with Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice published in the Federal Register. The CHD shall balance these factors in its determination:

- A. The number or proportion of LEP persons served or encountered in the eligible service area;

- B. The frequency with which LEP individuals come in contact with the program;
- C. The nature and importance of the program, activity, or service provided by the program; and
- D. The resources available to the Housing Authority and costs.

Depending upon what the analysis reveals, CHD may or may not prepare a Language Access Plan (LAP). If a LAP is needed, the guidance outlined in the above reference Notice shall be utilized.

CHD continues to take reasonable steps to ensure access to our federally funded housing programs.

- CHD has diligently tracked oral interpretation needs of applicants prior to Executive Order 13166 to ensure access to and an understanding of the application process;
- CHD tracks oral interpretations needs of all visitors to the administrative office;
- CHD tracks oral interpretation needs of all who call through the CHD main telephone line;
- CHD tracks oral interpretation needs of all current program participants for both programs

Included in the services offered are:

- Bilingual status employees (Spanish)
- Allowable use of family or friends to give oral interpretation if the needs are in a language other than the major LEP language available through CHD bilingual staff.
- Notice posted in the lobby of the administrative office in the primary language of the largest LEP language group (Spanish speakers), of the right to receive competent oral interpretation of written materials, free of cost.
- Written translated documents available through HUD website for Fair Housing and Lead Based Paint in Spanish and other languages that may seek access to our programs.
- Finally, CHD shall utilize multilingual "I speak" cards to the maximum degree possible.

4.0 FAMILY OUTREACH

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

To reach people who cannot or do not read the newspapers, CHD will notify the public through updates to web postings and contacts with community service personnel. CHD will also try to utilize public service announcements.

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

5.0 RIGHT TO PRIVACY

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

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant, and then only within the limits as allowed by law.

6.0 REQUIRED POSTINGS (§966.5)

In each of its offices, CHD will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, a notice that the following information is available upon request:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- E. Utility Allowance Schedule
- F. Current Schedule of Routine Maintenance Charges
- G. Dwelling Lease
- H. Grievance Procedure

The following shall also be posted in the lobby of the housing administrative office:

- A. Notice of the status of the waiting list (opened or closed)
- B. Income Limits for Admission
- C. Fair Housing Poster
- D. Equal Opportunity in Employment Poster
- E. Any current CHD Notices

7.0 TAKING APPLICATIONS

During Open Enrollment periods, completed applications will be accepted from all applicants. The following process will be followed for families wishing to apply for the Conventional Public Housing program.

- A. Complete an application for housing assistance. Applications will be accepted during times posted for opening the application line by telephone only at (623) 930-2199 / AZ Relay TTY at 1-800-367-8939. CHD will not verify information in the application relevant to the applicant's eligibility, admission, and level of benefit until the applicant reaches the top of the waiting list and is pulled for eligibility review.
- B. An application will be mailed to the applicant with the time and date of the phone request printed on the application. Upon return of the fully completed application, the applicant's name is placed on the waiting list according to preferences claimed and in date and time order of the phone request. Applicants will be given the opportunity to complete HUD Form 92006 with their application.
- C. Persons with disabilities who require a reasonable accommodation in completing an application may call CHD to make special arrangements to complete their application. A Telecommunication Device for the Deaf (TDD) is available. The telephone number is 1-800-367-8939.
- D. Persons with Limited English Proficiency will be offered oral interpretation services if the language is Spanish; or if another language, they can use a family member or family friend to assist with the telephone application process. (See Section 3.0.)
- E. The application process will involve two phases. The first phase is the initial application for housing assistance or the *pre-application*. The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This does not constitute eligibility to the program. Preferences are not verified and a criminal background check is not performed until eligibility begins.

- F. Upon receipt of the families pre-application, CHD will notify the family in writing that they have been placed on the waiting list. This letter will contain the date and time of the telephone request for application which, along with preferences claimed, determines their place on the waiting list. For conventional public housing, names are placed on the waiting list according to family size, which determines bedroom size. If CHD determines the family to be ineligible, the notice will state the reasons and offer the family the opportunity of an informal review of this determination.
- G. Applicants on the waiting list must also report to CHD any changes in family composition or address within 10 days of the change. Any such changes could affect the applicant's wait list status or eligibility for housing. Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list.
- H. The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. CHD will ensure that verification of all preferences, eligibility, criminal background clearance, and suitability selection factors are current in order to determine the family's final eligibility for admission into the Conventional Public Housing program. Applicants will be given the opportunity to update their HUD Form 92006 if they desire.
- I. CHD will perform a criminal background check for all family members age 16 and older. If CHD determines the family or a family member ineligible due to a criminal background review, the applicant will be sent a notice stating the reasons and offer the family the opportunity of an informal review of this determination. Once the family passes the criminal background check the eligibility process will continue. If the family is determined to be ineligible, they will be dropped from the waiting list.

8.0 ELIGIBILITY FOR ADMISSION

8.1. *Introduction*

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

8.2. *Eligibility Criteria*

A. Family Status.

1. **A family with or without children.** Such a family is defined as a group of people related by blood, marriage, adoption, or affinity that

live together in a stable family relationship. A head of household under the age of 18 may apply for housing assistance.

- a. Children temporarily absent from the home due to placement in foster care are considered family members.
- b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An **elderly family**, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
- b. Two or more persons who are at least 62 years of age living together; or
- c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **near-elderly family**, which is:

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

4. A **disabled family**, which is:

- a. A family whose head, spouse, or sole member is a person with disabilities;
- b. Two or more persons with disabilities living together; or
- c. One or more persons with disabilities living with one or more live-in aides.
- d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
- e. For waiting list placement only any family member who is disabled will qualify the family under this category. However, it does not qualify the family for ongoing deductions as a disabled family and it does not qualify the family as a

disabled family for income calculation or any other purpose unless the disabled person is the head, spouse, or co-head. (See 4.a. above.) (24CFR §5.403). The applicant must still meet the working preference at eligibility. However, CHD may consider a reasonable accommodation for a family with a disabled person who is not the head or spouse or sole member, whose care would inhibit the head or spouse from employment. Proof of this must be presented and can be a letter from a medical provider or an agency working with the disabled person and family.

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

B. Residency Standards

Applications will be accepted from both residents and non-residents. "Residents" are those residing in the area of jurisdiction of the Community Housing Division (CHD). "Non-residents" are all others. (See 10.2 Preferences.)

C. Income Eligibility

1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. Income limits apply only at admission and are not applicable for continued occupancy.
3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of CHD.
4. Income limit restrictions do not apply to families transferring within our Public Housing Program.

5. A family currently receiving assistance under another 1937 Housing Act program is considered program eligible for any other housing assistance program under the 1937 Housing Act. The family must not have a break in assistance in order to be considered continuously assisted.
6. CHD may allow police officers who would not otherwise be eligible for public housing occupancy to reside in a public housing unit. Such housing must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.
7. If there are no eligible families on the waiting list and CHD has published a 30-day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.

D. Citizenship/Eligibility Status (24CFR Part 5, Subpart M)

1. To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)), or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, while residing in Guam, people in the last category are not entitled to housing assistance in preference to any United States citizen or national.
2. Family eligibility for assistance.
 - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
 - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (§5.506, §5.516, §5.518)
 - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

E. Social Security Number Documentation)

To be eligible, all family members must provide a Social Security number or certify that they do not have one. Applicants may not become participants until the documentation is provided. Applicants will retain their position on the waiting list during this period. All members of the family defined above must either:

- a. Submit social security number documentation; or,
- b. Sign a certification if they have not been assigned a social security number. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification form obtains a social security number, it must be disclosed at the next regularly scheduled income re-examination.

F. Signing Information Release Form:

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign form HUD-9886 (7/94), Authorization for the Release of Information.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or CHD to obtain from State Wage Information Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
 - b. A provision authorizing HUD or CHD to verify with previous or current employers, or other sources of income, information pertinent to the family's eligibility for or level of assistance.
 - c. A provision authorizing HUD to request income information from the IRS or the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
 - d. A statement allowing CHD permission to access the applicant's criminal record with any and all police and/or law enforcement agencies, and
 - e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

G. Domestic Violence, Dating Violence, Stalking

No applicant for the conventional public housing program who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

8.3. Suitability

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in

noncompliance with the public housing lease. CHD will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, CHD employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

CHD determines eligibility for participation and will also conduct criminal background checks on all household members, 16 years of age or older, including live-in aides. CHD will deny assistance to a family because of drug-related criminal activity by family members, violent criminal activity by family members, or criminal history that may constitute a history that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

No applicant for public housing who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

- B. CHD will consider objective and reasonable aspects of the family's background, including the following:
1. History of meeting financial obligations, especially rent;
 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
 4. History of disturbing neighbors or destruction of property;
 5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
 6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
 7. History of mental or physical condition, which may prevent him/her from fulfilling his/her obligations under the terms of the lease. If the applicant has supportive services (i.e. live-in aide, agency assistance, family assistance, etc.) which enable him/her to fulfill

their lease obligations, the mental or physical condition shall not prevent him/her from receiving housing assistance.

8. Persons evicted from public housing, Indian Housing, Section 23, or any Section 8 program because of drug or alcohol-related criminal activity or violent criminal activity are ineligible for admission to housing for a five year period beginning on the date of such eviction. CHD will not waive this policy. (See Section §960.203(c)(ii) and §960.204(a).

C. CHD will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. CHD will verify the information provided. Such verification may include but may not be limited to the following:

1. A credit check of the head, spouse, co-head and all other household members age 16 and older;
2. A rental history check with previous landlords and/or other references of all adult family members. (Applicants must complete and submit a reference check form.) A request will be submitted for the applicant to be checked against the computer listing of prior residents of other housing authorities, who left owing money, or moved in violation of the lease.
3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last five years. Where the individual has lived outside the local area, CHD may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
4. All household members 16 years of age and older, must be fingerprinted and a request for criminal history background checks will be made through the Glendale Police Department (GPD). If the background check received from GPD is positive, CHD will proceed with the Interstate Identification Index fingerprint check.
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.
6. Criminal history/background check on all family members 16 years of age and older, the applicant must sign an "Agreement to Vacate" form. This form states that if the background check reveals that eligibility requirements have not been met because of a criminal history/background and/or because of false/untrue information

provided by the tenant, the tenant must vacate the unit within ten days. If this happens, CHD must do the following:

- a. Send a letter explaining the reason for termination within ten (10) working days after all information is received and a determination for eligibility has been made. The tenant must be given the right to submit in writing a request for an informal review.
- b. Provide the applicant with a copy of the criminal record and/or the adverse reference information, and an opportunity to dispute the record/information. If the termination is upheld or the applicant fails to submit a written request for review within ten working days from receipt of his/her notification of ineligibility, the tenant must vacate the unit and wait five years to reapply for the program.

D. Evaluation of Information Relating to Previous Conduct of Applicant.

1. Preponderance of Evidence - CHD may deny assistance if the **preponderance** of evidence establishes that a family member has engaged in drug or alcohol-related criminal or violent criminal activity, regardless of whether the family member has been arrested or convicted (24 CFR 982.553). Preponderance of evidence is evidence, which is of greater weight or more convincing than the evidence that is offered in opposition to it. Evidence which as a whole shows that the facts sought to be proved is more probable than not. Credible Evidence includes, but is not limited to, evidence obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes, but is not limited to, documentation of drug raids or arrest warrants.
2. Screening Criteria - CHD will use prior conduct (as described in Section 8.3 A-C) to evaluate the suitability of an applicant for tenancy. CHD will consider applications for residence by persons on a case-by-case basis, focusing on the concrete evidence of the seriousness and recentness of criminal or other unsuitable activity as the best predictors of tenant suitability. CHD will also take into account the extent of criminal or suitable activity and any additional factors that might suggest a likelihood of favorable conduct in the future, such as evidence of rehabilitation. Applicants denied assistance based upon a history of previous unsuitable behavior will be unable to reapply for five years dating from the last occurrence of unsuitable behavior. In the case of denial of assistance for criminal activity, the five years will date from either the last occurrence of criminal behavior or the end of incarceration or probation, whichever is latest.

3. Evidence of Rehabilitation - In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given 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. Further information may be requested, or received from the applicant to show extenuating circumstances and/or rehabilitation efforts.

8.4. *Grounds For Denial (see also §5.514; 5.854, 5.855, §960.203; 960.204 (and consistency with 982.552 (c) (ii))*

This section supplements the above listed regulatory cites. The reasons for denial include those required by regulation and those allowed as a housing authority option. CHD is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a history of not meeting financial obligations, especially rent;
- F. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- G. Has, as a resident in a public housing program, failed to complete the public housing Community Service requirement. (See Section 14.7, Opportunity to Cure, for applicants who left public housing through non-renewal for failure to complete the community service requirement.)
- H. Have a household member who has outstanding felony warrant(s). Non-felony warrants must be cleared with proof supplied to CHD. CHD will make a determination on a case-by-case basis, whether the reason for the warrant may constitute a history that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- I. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property. If there has been no activity within a reasonable period of time, CHD may consider a waiver. CHD will also

consider past history of behavior as an indicator for current or future behavior. (CHD defines reasonable period of time as five (5) years.

Being a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The Authority will require verification in all cases where an applicant claims protection against an action proposed to be taken by the Authority involving such individual. Types of acceptable verifications are outlined in Section 20.3, and must be submitted within 14 business days after receipt of the Housing Authority's written request for verification.

- J. Upon receipt of the criminal background check, have arrest entries within five years from the time of application. A conviction is not necessary for denial of admission. CHD will review each case on a preponderance of evidence (§960.203). CHD may consider a shorter period of time for non-felony, non-criminal offenses which, upon review are determined to be of no future harm to the program or to the health, safety, or right to peaceful enjoyment of the premises by other residents.
- K. For applicants that have been imprisoned or placed on probation, application will be considered:
 - 1. Five years after release from prison;
 - 2. Five years after completion of probation, unless:
- L. CHD may also consider past history of behavior as an indicator for current or future behavior.
- M. CHD defines a reasonable period of time as five years from the resolution of the last offense.
- N. Have a history of disturbing neighbors or destruction of property. CHD will also consider past history of behavior as an indicator for current or future behavior;
- O. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 program.
 - 1. A family must have paid in full any outstanding debt owed to CHD or any another Housing Authority for previous tenancy in Public Housing or Section 8 Housing, or any other assisted housing.
 - 2. Applicants who owe on vacated accounts shall be offered the opportunity to pay the debt in full within 30 calendar days from the date the family is initially notified by CHD of their appointment for final eligibility determination. If the debt is not paid in full within the 30-day period, the applicant shall be removed from the waiting list.

- P. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- Q. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity (CHD will not waive this policy). The three-year limit is based on the date of such eviction, not the date the crime was committed (24 CFR §982.553(a)(i));
- R. Were evicted/terminated from assisted housing within five years of the projected date of admission (24CFR §982.552 (c)(ii));
- S. Have a household member who is a fugitive felon, parole violator, or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- T. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

If a household member can show proof of no longer using drugs, CHD may waive this requirement if:

1. The person demonstrates to CHD's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
 3. Has otherwise been rehabilitated successfully; or
 4. Is participating in a supervised drug or alcohol rehabilitation program.
- U. Have engaged in or threatened abusive or violent behavior toward any CHD staff member, contractor, or residents. CHD will also consider past history of behavior as an indicator for current or future behavior;
 - V. CHD 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. CHD will also consider past history of behavior as an indicator for current or future behavior;
 - W. CHD determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

- X. 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 CHD (including a CHD employee or a CHD contractor, subcontractor or agent) CHD will also consider past history of behavior as an indicator for current or future behavior.
- Y. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Z. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.
- AA. With respect to criminal activity described in this Section, CHD may require an applicant to exclude a household member in order to be admitted to public housing where that household member has participated in or been culpable for actions described in this Section that warrants denial.

8.5. Informal Review

- A. If CHD determines that an applicant does not meet the criteria for receiving public housing assistance, CHD will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request in writing an informal review of the decision within 10 business days of the denial. CHD will describe how to obtain the informal review.

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

- B. The applicant may request that CHD provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. The applicant must make this request within 30 calendar days of receipt of the Notice of Denial or Termination of Assistance, or within 30 calendar days of receipt of the INS appeal decision.

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

C. When the Applicant Does Not Appear

When an informal or formal hearing is scheduled and the applicant has been notified of the date and time and does not attend the hearing or call to notify CHD of a problem, the decision will default on behalf of CHD.

If the applicant provides proof of an emergency that precluded attendance at the hearing, at the discretion of CHD, the hearing may be rescheduled.

CHD will reschedule an informal hearing one time with reasonable cause. If the second scheduled hearing is not attended, the denial or termination will stand and the appeal period will expire.

9.0 MANAGING THE WAITING LIST

9.1. *Opening and Closing the Waiting List*

Applications will be taken at times and in quantities in order to obtain a sufficient number and variety of applicants. When the number of applicants who can be served within a reasonable period of time is reached, the application waiting list may be closed. Notice of opening of applications shall be made in a newspaper of general circulation as well as through minority media and other suitable means. Application intake will occur only during publicly announced periods of time. Restriction and closure of application intake will occur only when CHD has an adequate pool of applicants who are likely to qualify for a preference and when any additional applicants would not qualify for assistance before those applicants already on the waiting list. The announcement will specify the dates, times, locations, and methods by which a prospective applicant can provide the information necessary for completion of an application. All notices will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

An application only places the person on the waiting list. Anyone can apply to be placed on the waiting list, but only those determined eligible will be admitted. It is at eligibility that preferences, resident status, income level, and family composition will be reviewed.

9.2. *Organization of the Waiting List*

An applicant will be assigned to the waiting list according to the preference(s) claimed and then by date and time that the application information was initially provided. The applicant will be informed of their assigned application number and how to check their status on the waiting list. The applicant will also be provided information on the housing program and its requirements. Two separate waiting lists will be maintained; one list for the Section 8 Housing Choice Voucher Program and one for Conventional Public Housing administered by CHD.

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

- A. The application will become part of the permanent file;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- C. Any significant contact between CHD and the applicant will be documented in the applicant file.
- D. Moderate Rehabilitation - a separate waiting list may be maintained for the Moderate Rehabilitation Program. When a family is selected from the waiting list for a moderate rehabilitation unit, the family's name is submitted to the owner. If the family is not selected by the owner, their name will be returned to its previous place on the waiting list. However, if the referrals of applicants made by CHD within 30 calendar days of the owner's notification to CHD of a vacancy fail to result in the unit being rented, the owner shall be instructed to advertise or solicit applications from very low-income families and refer such families to CHD. Final determination of eligibility will be made by CHD. If these referrals do not have a preference and they are housed, they will count against the 10% limitation. However, for those persons already in residence at the time the units enter the program, the 10% limitation does not apply.

9.3. Family Breakup

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the list, and there is no court determination, CHD will make the decision taking into consideration the following factors:

- A. Which family member applied as head of household or co-head;
- B. Which family unit retains the minor children or any ill, disabled, or elderly members;
- C. Restrictions that were in place at the time the family applied.
- D. Role of domestic violence in the split, actual or threatened.
- E. Recommendations of social service agencies or qualified professionals such as children's protective services.
- F. Other factors as discovered by CHD during research.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by CHD.

This section will also apply to families admitted to the program.

For waiting list families only, the application will show head of household and co-head. If, at the time of eligibility the head of household has separated from the household and is no longer a part of the family and has indicated no interest by making no contact with CHD, the co-head will become head for application/waiting list purposes only. During eligibility and offering assistance, the co-head cannot also be claimed as a spouse.

9.4. *Families Nearing the Top of the Waiting List*

When a family is close to the top of the waiting list, the verification process will begin. It is at this point in time that the family's waiting list preference and eligibility will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. CHD must notify the family in writing of this determination, and give the family the opportunity for an informal review.

Once the income level and the preferences have been verified and eligibility has been determined, CHD proceeds to request the necessary information.

In order to receive assistance under the Conventional Public Housing program, the family must meet the preferences claimed (example – must be currently employed at time of eligibility, unless elderly or disabled/handicapped).

If at eligibility, the family does not meet preferences claimed, the family will be placed back on the waiting list, with corrected points. If the family is over-income, they will be dropped.

An applicant's time on the waiting list is dependent upon preferences claimed, unit vacancies, and the federal budget process.

9.5. *Purging the Waiting List*

CHD will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom CHD has current information.

The purge process will consist of mailing via first class mail, a form to be completed by the person on the waiting list and returned to the housing authority within a specified number of calendar days. If the envelope is returned as undeliverable or if no response is received from the applicant within the specified time frame, the applicant shall be stricken from the waiting list. If the envelope is returned with a forwarding address on it, the housing authority shall mail the form to the new address, with a new deadline for response. If the applicant responds within 60 days of the due date, CHD will review for return to the waiting list. This will be allowed only once during the time a family is on the waiting list.

9.6. *Removal of Applicants From the Waiting List*

CHD will not remove an applicant's name from the waiting list unless:

- A. The applicant requests in writing that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program, or the written request is returned from the post office as undeliverable; or
- C. The applicant does not meet either the eligibility, or suitability criteria for the program; or
- D. The applicant has been pulled and has been offered a unit and accepts the unit (see 10.7, Offer of a Unit.)

9.7. *Missed Appointments*

All applicants who fail to keep a scheduled appointment with CHD will be sent a notice of eligibility and removal from the waiting list.

CHD will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, CHD will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

9.8. *Notification of Negative Actions*

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

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1. Preferences (§960.206)

Consistent with CHD Agency Plan, the following preferences, based on local housing needs and priorities, will be used to determine placement on the waiting list: An applicant does not have any right or entitlement to be listed on the waiting list, to any particular position on the waiting list, or to admission to the programs (24 CFR §982.202(c)).

Glendale Housing utilizes a local residency preference. Use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on race, color, sex, ethnic origin, gender, religion, disability or age of any member of an applicant family.

- A. CHD will select families based on the following local preferences, and then by the date and time of the application submitted by the family:
- Glendale residents;
 - Glendale residents displaced by government action or disaster;
 - Persons working or hired to work within the city limits of Glendale,
 - Glendale residents who are victims of domestic violence, dating violence, and stalking,
 - Glendale residents who are displaced homemakers.
- B. Applicants 62 years or older, disabled, handicapped, or receiving Social Security Disability, Supplemental Security Disability or any payments based on inability to work, will be given benefit of the working preference.
- C. Applicants who are active military personnel will be given the benefit of the working preference. (See Section 5.2 G. for definition.)
- D. The following admissions give preferences to a Glendale resident family whose:
1. Head or sole member is a person displaced by government action or disaster;
 2. Head or spouse or sole member is an elderly person or a disabled person over a single person that is not elderly, disabled, or displaced by government action or disaster;
 3. Head or sole member or family member is a victim of domestic

violence, dating violence or stalking;

4. Head or sole member is a displaced homemaker.

E. Preferences will be applied to applicants in the following order:

1. Glendale residents who are displaced by government action or disaster.

2. Glendale resident head or spouse who is currently employed or non-Glendale resident head or spouse who is currently employed in Glendale or are hired to work in Glendale and have:

1. 5 years or more duration, plus

2. Last 6 months consecutive employment. (Previous 6 months from eligibility date.)

3. Glendale resident head or spouse who is currently employed or non-Glendale residents who are currently employed in Glendale or are hired to work in Glendale and have:

a. Less than 5 years duration, or

b. Less than last 6 months consecutive employment. (Previous 6 months from eligibility date.)

4. Glendale residents who are unemployed

5. Non-Glendale residents who are unemployed

F. Additional preference categories:

2. Glendale residents who are victims of domestic violence, dating violence or stalking;

3. Glendale residents who are displaced homemakers.

G. Definitions for Preferences: For purposes of ranking preferences only, the following definitions shall be used:

1. "Glendale resident" shall mean any family in which head of household or spouse, or sole member that:

a. Physically reside within the city limits of Glendale, Arizona. (A mailing address will not automatically qualify an applicant for this preference; physical residence must be verifiable. A statement or certification by the applicant or a roommate is not sufficient evidence. Proof via lease, utility bill, driver's license, employment documentation reflecting physical

address, or other form of legal verification as determined acceptable at the time of eligibility review.) OR

- b. Are employed within the city limits of Glendale OR
- c. Have been hired for employment within the city limits of Glendale. The employer must be located in Glendale or the job must be solely in Glendale and not a temporary assignment or to be assigned to varying locations inside and outside of Glendale.

2. "Employed" shall mean that the family (head of household or spouse):

- a. Has independent verifiable employment that generates annual income; or net income from operation of a business or profession equivalent to at least one half of permanent, full time employment. At time of eligibility, the head, spouse or co-head must be employed. CHD considers a minimum of 20 hours per week as employed.

Must have 6 months consecutive employment. (Previous 6 months from eligibility date.)

- b. Employment through a temporary agency is considered current employment. Determination will be held for 14 calendar days in order to verify assignment(s) with the agency. The agency must be located in Glendale to be considered for Glendale residency or the current assignment must be in Glendale (see working preference listed above) OR

3. Elderly or disabled will be given the working preference, and is:

- a. Head, spouse, or sole member, who are age 62 or older, OR
- b. Has a head, spouse, or sole member, who are receiving social security disability, supplemental security income disability benefits, or any other payments based upon an individual's inability to work.

4. Active Duty shall mean head of household, spouse, or co-head, military members who are currently serving full time in their military capacity. Members of a reserve component are not generally considered active duty.

5. For homeless applicants, the family must verify that they physically resided in Glendale, or were employed or hired for employment within the city limits of Glendale for the period immediately preceding the event(s) that resulted in becoming homeless.

6. Victim of domestic violence, dating violence or stalking shall mean family member who qualifies under VAWA.
 7. CHD will give preference to applicants who are displaced homemakers, defined as someone who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed, and is experiencing difficulty in obtaining or upgrading employment. The person has spent at least five years as an unpaid homemaker. Circumstances leading a homemaker to be displaced include death, divorce, separation, or abandonment. If unemployed at time of eligibility, the displaced homemaker must provide a letter from a counseling/assistance program for displaced homemakers attesting to status, and detailing what is being done to obtain employment.
- F. Special Admission (non-waiting list): Assistance targeted by HUD: If HUD awards CHD program funding that is targeted for families living in specified units, the HA must use the assistance only for the families living in those units. CHD may admit a family that is not on the waiting list, or without considering the family's waiting list position. CHD will maintain records showing that the family was admitted with HUD targeted assistance. CHD has no discretion to determine the families or types of program funding that may fall under this provision, consequently, they will administer such targeted funds only in accordance with any current HUD regulations affecting such targeted funds.
- G. Special Admission – (waiting list): For Glendale residents displaced by government action or disaster. Admission to the waiting list will be considered at all times, whether the waiting list is open or closed. Persons or families who meet the definition of displaced by government action will be admitted to the wait list using the ranking preference, “displaced by government action or disaster.”
- H. Drug-Related Denial of Preference
1. CHD will continue to deny any application from a family because of drug-related criminal activity or violent criminal activity, as authorized under federal regulations (See 24 CFR §982.552, §982.553)
- I. Adding Family Members at Eligibility
1. CHD will not approve additional family members at eligibility. Only the original household composition or members approved while on the waiting list will be assisted.

10.2. Assignment of Bedroom Sizes

CHD will assign public housing units based on the number of bedrooms necessary to house the family without overcrowding. The bedroom size is a factor in determining the family's level of assistance. The following guidelines will determine each family's unit size without overcrowding or over-housing:

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, CHD will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school or temporarily in foster-care.

When children are in the process of adoption or custody, a court order or documentation received from the court is necessary. Before CHD will increase a bedroom size, CHD requires evidence that the court will approve the adoption or custody arrangement, or has been given physical custody.

A request to add a person to a household may be approved if the change does not cause an increase to the size of the unit, or if it is a reasonable accommodation. CHD reserves the right to review each case to determine the merits of each request. (See Section 15.6 Interim Reexaminations for additional guidance.)

At the initial eligibility, the family unit size will be determined using the subsidy standards below. This will not change unless the family size exceeds the maximum number per bedroom or living/sleeping area. Upon continued assistance but not for eligibility, the living room may be considered as a sleeping area.

The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

Criteria for Unit Assignment - For the purpose of determining the appropriate bedroom size at the time of initial occupancy, the following criteria will be used:

- A. A family consisting of a single parent and one child under the age of 4 years, shall occupy a two bedroom unit or larger.
- B. A single person in the process of securing legal custody of one or more individual(s) who has/have not attained the age of 18 years, shall occupy a two bedroom unit or larger.
- C. In a family consisting of a single parent and three or more children, the youngest child under the age of 4 years may occupy a bedroom with the parent.
- D. Other than heads of household, persons of the opposite sex who are 6 years of age or older or who will reach their 6th birthday during the first 12 months of the lease shall not occupy the same bedroom.
- E. Two children of the same sex, regardless of age, will be assigned to occupy the same bedroom.
- F. The following may be approved for assignment of additional bedrooms:
 - 1. A household requiring an additional bedroom due to documented medical reasons.
 - a. . Proof of medical necessity must be on the Medical Verification form provided by CHD, as there is a signature line for legal purposes. No prescription forms will be acceptable proof.
 - b. Third party verification required.
 - c. Necessity will be re-verified every three years, unless the need for the reasonable accommodation is readily apparent. (See joint statement of Reasonable Accommodations under the Fair Housing Act in this policy document.
 - d. Rooms for medical equipment only if the need is documented by a health care provider. Approved use of the room will be verified during annual inspection or any other time a CHD employee enters the assisted families' unit.
 - 2. A household that includes a live-in aide (see definitions). CHD reserves the right to deny a live-in aide with a family that would be the equivalent of adding another family to the assisted family.
- G. Dwellings will be assigned so as not to require the use of the living room for sleeping purposes.

- H. Every family member, regardless of age, is to be counted as a person. An unborn child will be counted as a person to determine initial eligibility. However, a single pregnant woman only qualifies for a one-bedroom unit.
- I. Exceptions to Occupancy Criteria - The criteria and standards prescribed for the determination of the family's unit size should apply to the vast majority of families. However, in some cases, the relationship, age, sex, health, or handicap of the family members may warrant the assignment of a larger or smaller unit. Such flexibility is permissible to the extent that determinations are made on the basis of these factors. Such cases must be recommended by the Housing Assistance Representative and approved by the Housing Supervisor and documented in the file. The proper unit size may be determined during continued occupancy by counting the living room as a sleeping room.

10.3. Selection From the Waiting List

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

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

10.4. Aid to Victims of Hurricanes Katrina and Rita

In order to aid the victims of Hurricane Katrina, CHD will follow HUD guidance issued September 2, 2005 and temporarily modified its program admissions policy. CHD used existing available vouchers or public housing units to assist either displaced public housing or voucher participants affected by the disaster. The CHD Admissions and Occupancy Policy (ACOP) already allows for special admission for families affected by government action or disaster who have Glendale residency. This amendment allowed CHD to assist non-Glendale residents who have lost their housing due to Hurricane Katrina (federally declared disasters).

On February 3, 2006, HUD issued PIH Notice 2006-12, notifying housing authorities of the expiration of FEMA funding specifically for victims of Hurricane Katrina and the authority for new funding from the Department of Defense Appropriations Act, 2006 (the Supplemental) to create the Disaster Voucher Program (DVP) for victims of Hurricanes Katrina and Rita. The implementation of DVP is necessary to comply with the statutory conditions of the funding to assist displaced families who were initially assisted through the Katrina Disaster Housing Assistance Program (KDHAP), as well as eligible families displaced by

Hurricane Rita. The method of assisting displaced families remains the same, as does eligibility to receive assistance from this funding source.

Funding will provide rental subsidies for families currently assisted through the Katrina Disaster FEMA funding, as well as pre-disaster HUD-assisted families displaced due to Hurricane Rita.

Program guidance details assistance for families who are being assisted through the Katrina (KDHP) funding. Additional guidance will follow to address assistance for non-eligible KDHP families. Additional guidance will be followed as required by regulation and statutory requirements.

Families who were assisted by public housing in the specified disaster areas and are eligible for DVP assistance will be given a voucher, as the DVP program is funded under Section 8 of the United States Housing Act of 1937.

Under DVP, all Section 8 program rules apply to the KDHP families except where expressly waived. The Supplemental provides that HUD may waive the requirements for income eligibility and tenant contribution for up to 18 months, which HUD did, in order to remain consistent with KDHP.

Eligibility criteria remain the same with the addition of families displaced by Hurricane Rita.

Monthly subsidy payments are now based on the Payment Standard set by CHD instead of the local FMR.

The CHD Section 8 Administrative Plan and the Conventional Public Housing Admissions and Continued Occupancy Policy are amended in response to the disaster emergency only and do not constitute an overall waiver of the Glendale residency requirement.

The DVP is temporary and is not considered a significant amendment to the CHD Agency Plan or either program policy document.

DVP disaster assistance for victims of Hurricanes Katrina and Rita expired on December 31, 2007.

10.5. Deconcentration Policy

The Glendale Community Housing Division (CHD) will provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments.

CHD will affirmatively market all housing opportunities to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income residents will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, CHD will analyze the income levels of families residing in each of the Public Housing and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

Based on the annual analysis as deemed necessary; CHD may offer incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development. CHD may skip families on the waiting list to reach other families with a lower or higher income levels. Various incentives may be used at different times, but will always be provided in a consistent and nondiscriminatory manner.

10.6. *Deconcentration Incentives*

CHD may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

10.7. *Offer of a Unit*

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

CHD will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed or the date of the telephone call to contact CHD regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, CHD will send the family a letter documenting the offer and the rejection.

10.8. *Rejection of Unit*

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

If CHD did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, CHD will allow the family a second vacant unit choice, but only after the family rejects the first unit offered. The family will keep their

preferences, but the date and time of application will be changed to the date and time the unit was rejected. The family will be offered the right to an informal review of the decision to alter their application status. (See Public Housing Occupancy Guidebook, Sect. 3.8, Removing or Dropping an Application for Refusal of a Unit Offer.)

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

If the family rejects the second unit offer, the family will be removed from the waiting list.

10.9. Acceptance of Unit

A. Leasing

A dwelling lease is to be entered into between CHD and each tenant family member over the age of 18. The dwelling lease is to be kept current at all times and is to reflect the rent being charged, and the conditions governing occupancy. Any changes to the lease, including changes in rent, must be accomplished by written amendment to the lease signed by both parties.

If, through any cause, the signer of the dwelling lease ceases to be a member of the tenant family, the lease is to be voided, and a new dwelling lease executed and signed by a head of household and co-head, if there is one.

If a tenant family transfers to a different HUD-aided housing unit operated by CHD, the existing lease is to be canceled and a new lease executed by the head of household or co-head, if there is one, for the dwelling unit into which the family is to move.

The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Authority personnel. The certification will be filed in the tenant's file.

B. Security Deposit

1. A security deposit of \$200.00 or one month's rent, whichever is greater, will be required from each family.
2. Should rent increase more than 10% after the amount of security deposit is originally determined, an additional amount will be

required to bring the amount of security to an amount equal to the new one month's rent.

3. The security deposit is to be paid immediately upon execution of the lease, unless this creates a hardship. In this case, the security deposit may be paid in six installments over the period of the six-month probationary lease. Security deposits will be held on account by CHD accruing no interest, and will be returned to the tenant after move-out if the following conditions are met:
 - a. There is no unpaid rent or other charges for which the tenant is liable under the lease or as a result of breaching the lease;
 - b. The unit and all equipment are left clean, and all trash and debris have been removed by the family;
 - c. There is no breakage or damage beyond that expected from normal wear and tear; and,
 - d. There was proper notice given under the lease and all keys issued have been returned to CHD when the family vacates the unit.

C. Caretaker for Children

1. If circumstances evolve that cause neither parent to remain in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, CHD will treat that adult as a visitor for the first fourteen (14) days, as stated in Section 14.0.B.
2. If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the unit will be transferred to the caretaker, pending an eligibility review of the caretaker, including a background screening.
3. If the appropriate agency cannot confirm the guardianship status of the caretaker, CHD will review the status at 30-day intervals. Each case will be considered on its individual merits and a determination will be made based on the specifics of each case alone.
4. Any person(s) brought into a public housing unit for any purpose must not have a criminal background that would prevent any other person from living in the unit, nor must the person(s) have been previously trespassed from the public housing rental communities.
5. If the court has not awarded custody or legal guardianship, but the action is in process, CHD will secure verification from social services staff or the attorney as to the status.

6. If custody is awarded for a limited time in excess of stated period, CHD will state in writing that the transfer of the unit is for that limited time or as long as the legal caretaker has custody of the children. CHD will use discretion as deemed appropriate in determining any further assignment of the unit on behalf of the children. Any further assignment of the unit will be subject to an eligibility review, including a background screening.
7. The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made unless there is evidence of an unsatisfactory background, such as a criminal history. If the caretaker violates any family obligations while temporarily in the assisted family, the transfer will be denied.
8. CHD will transfer the unit to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 12 months and it is reasonable to expect that custody will be granted, and the caretaker has qualified for the program through an eligibility review and background screening.
9. When CHD approves a person to reside in the unit as caretaker for the child/children, the income should be counted pending a final disposition. CHD will work with the appropriate service agencies to provide a smooth transition in these cases.
10. If a member of the household is subject to a court order that restricts him/her from the home for more than 30 calendar days, the person will be considered permanently absent.

10.10. Live-in aide (§5.403)

A live-in aide is defined in 24CFR §5.403 as a person who resides with an elderly, disabled, or handicapped person or persons and who:

- a. Is determined to be essential to the care and well-being of the person(s)
- b. Is not obligated for the support of the persons; and
- c. Would not be living in the unit except to provide the necessary supportive services. This also applies to additional family members of the live-in aide.
- d. Is not considered a household member as income is not included in rent calculation and would not be entitled to remain in the unit if the resident no longer is in need of it (move out of unit, i.e., death, nursing home, etc.).

Originally, HUD anticipated live-in aides would be single persons and that only one additional bedroom would be required. However, live-in aides sometimes have a family member(s) who can and should reasonably be expected to live in the unit. CHD will adopt the HUD position that the live-in aide's family members may also reside in the unit provided doing so does not increase the subsidy by

the cost of an additional bedroom over and above that allowed for the person who is the live-in aide, and further provided that the presence of the live-in aide's family does not overcrowd the unit (See HUD Policy letter dated July 3, 1990). CHD may deny the addition of a live-in aide if it adds more than one additional bedroom. Also, if any member of the live-in aide's family does not pass a background check, CHD will deny the additional of the live-in aide.

CHD will also consider additional requirements and limitations on the addition of a live-in aide if the request includes additional persons added to the household, or if full time 24/7 care is not required. This also applies to all members of the live-in aide's family, if CHD determines to allow additional family members.

CHD will not approve an extra bedroom for a live-in aide who is not identified and passed a criminal background check, has committed fraud in any other federal housing program, or currently owes rent to any PHA for any housing assistance program.

Rotating aides, occasional, intermittent, or multiple aides do not meet the definition of a live-in aide and therefore do not qualify for an extra bedroom.

Refer to Section 10.2(F) for verification requirements for medical accommodations.

As a live-in aide must be "essential to the care and well-being of the person(s)" CHD will not approve a live-in aide who is employed outside of the live-in aide duties for more than 20 hours per week.

If it is determined that the live-in aide is not the person that was approved by CHD, the family will be notified of non-compliance and the need to move the person out. CHD will perform an immediate interim to correct the payment standard based on a reduced bedroom size unit.

If it is determined that a live-in aide was approved and the payment standard in place is for an additional bedroom for the live-in aide, but CHD discovers that there is no aide living in the unit, CHD will perform an immediate interim to correct the payment standard based on a reduced bedroom size unit.

11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

To determine annual income, CHD adds the income of all family members, excluding the types and sources of income that are specifically excluded. On the 50058, CHD will reflect income from all sources and all types, then also reflecting all excluded amounts as well. Once the annual income is determined, CHD subtracts out all allowable deductions (allowances) as the next step in determining the Total Tenant Payment. Once the annual income is determined, CHD subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

11.1. Income (§5.609)

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

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
 - 1. Are not specifically excluded from annual income.
 - 2. If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or CHD believes that past income is the best available indicator of expected future income, CHD may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

Annual income includes, but is not limited to, the amounts specified in the federal regulations currently found in 24 CFR §5.609:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Income that could have been

derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.

- D. Asset income of minors is counted as income.
- E. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability, or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- F. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- G. Portion of athletic scholarships that is available specifically for housing costs
- H. Welfare assistance
 - 1. Welfare assistance payments
 - a. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
 - i. Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
 - ii. Are not otherwise excluded under paragraph Section 11.2 of this Policy.
 - b. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably

reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

- c. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

2. Imputed welfare income

- a. A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to CHD by the welfare agency) plus the total amount of other annual income.
- b. At the request of CHD, the welfare agency will inform CHD in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform CHD of any subsequent changes in the term or amount of such specified welfare benefit reduction. CHD will use this information to determine the amount of imputed welfare income for a family.
- c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to CHD by the welfare agency).
- d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- e. CHD will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.

- f. If a resident is not satisfied that CHD has calculated the amount of imputed welfare income in accordance with HUD requirements, and if CHD denies the family's request to modify such amount, then CHD shall give the resident written notice of such denial, with a brief explanation of the basis for CHD determination of the amount of imputed welfare income. CHD notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.

3. Relations with welfare agencies

- a. CHD will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives CHD written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
- b. CHD is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the housing authority. However, CHD is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
- c. Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. CHD shall rely on the welfare agency notice to CHD of the welfare agency's determination of a specified welfare benefits reduction.

- I. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

- J. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)
- K. Unless otherwise verified, child support from a court awarded settlement agreement that is not being paid, if no attempt to collect is being made. If an attempt is being made to collect the support amount owed, and that attempt can be verified, count as income only that which is received. CHD will accept verification that the family is receiving an amount less than the award if the family furnishes documentation of a child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney. CHD utilizes the State Department of Economic Security Child Support Enforcement area to verify child support collection activity.

11.2. Annual Income

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution (5.609(6)(c)).
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
 - 1. Amounts received under training programs funded by HUD;
 - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income

eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

3. Amounts received by a participant 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 that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, non-recurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
11. The incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
 - a. Families whose income increases as a result of employment of a family member who was previously unemployed (See definition of "Previously Employed") for one or more years.

- b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job-training program.
- c. Earned income in excess of income prior to the qualifying change is excluded.
- d. Families who are or were, within 6 months, assisted under a State TANF or Welfare to Work program. TANF includes regular monthly income and one-time benefits and/or services that total at least \$500 over a six-month period.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period, which runs consecutively. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

Income exclusion does not apply to income calculation for purposes of eligibility.

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

Noncitizen/ineligible family members do not qualify for this exclusion.

- 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- 14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- 15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

- b. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
- h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-* product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

- m. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
- s. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
- t. Any low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug Program.
- v. Income payments from the US Census Bureau defined as employment lasting no longer than 180 days and not culminating in permanent employment.
- w. One-time recovery payments generated by the American Recovery and Reinvestment Act (ARRA).

CHD will not provide exclusions from income in addition to those already provided for by HUD.

11.3. Deductions From Annual Income (24 CFR 5.611)

The following deductions will be made from annual income:

- A. \$480 for each dependent (except foster family members);
- B. \$400 for any elderly family or disabled family;
- C. The sum of the following, to the extent the sum exceeds three (3) % of annual income:
 - 1. Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and
 - 2. Unreimbursed reasonable attendant care and auxiliary apparatus (auxiliary apparatus can include veterinarian costs and food costs of a service animal, costs of maintaining necessary equipment added to a vehicle but not the cost of the vehicle itself or maintenance of the vehicle not associated with the necessary apparatus), expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and
 - 3. The Medicare assistance provided for the cost of drugs pursuant to prescription drug discount cards, negotiated drug price, or transitional assistance subsidies.

#3 above is not valid after May 15, 2006 due to changes in federal law governing Medicare prescription drug program.

- D. Reasonable childcare expenses for children under age 13 necessary to enable an adult family member of the family to be actively seeking work, to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income. In the case of a family where both adults are able to work, HUD suggests using the lesser income as the annual income limit.

Child care allowances cannot exceed the income that is included in annual income that the enabled family member earns.

Cap on time allowed to be seeking work cannot exceed 60 days.

- ** Reasonable full time childcare is defined to be no more than the amount published by the Arizona Department of Economic Security (DES) as the average median cost as determined by the DES market rate survey for Maricopa County (See <http://arizonachildcare.org/acccost.html> for recent costs).

11.4. Receipt Of A Letter Or Notice From HUD Concerning Income

- A. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification within thirty (30) calendar days of receipt by the resident.
- B. CHD Administrative Services Manager shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, CHD, if appropriate, shall adjust the resident's rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, CHD shall do one of the following:
 - 1. Immediately collect the back rent due to the agency;
 - 2. Establish a repayment plan for the resident to pay the sum due to the agency;
 - 3. Terminate the lease and evict for failure to report income; or
 - 4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

11.5. Cooperating With Welfare Agencies

CHD will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

- A. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency; and
- B. To provide written verification to CHD concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

11.6. Cooperating With Law Enforcement Agencies

CHD will comply, on a case-by-case basis, with information requests from Federal, State, or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. CHD will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

- A. The law enforcement agency shall notify CHD that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
- B. The location or apprehension of the recipient is within CHD's official duties; and,
- C. The request is made in the proper exercise of the law enforcement agency's official duties.

CHD will also cooperate with enforcement agencies such as law, code, child protective service, child support, animal abuse, etc. This list is not all inclusive. CHD will not offer any protections to any participant from an enforcement agency. CHD will support and assist enforcement agencies in identifying and locating persons who are on the Public Housing program who are being sought by an enforcement agency, whether it be for questioning, as an investigative lead, or as a suspect.

12.0 VERIFICATION

CHD will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and

relationship will only be verified in those instances where needed to make a determination of level of assistance.

An applicant may claim qualification for a ranking preference by certifying to CHD that the family qualifies for such preference(s). However, before an applicant is admitted on the basis of a ranking preference, the applicant must provide information needed by CHD to verify that the applicant qualifies for the preference because of the applicant's current status. The applicant's current status must be determined without regard to whether there has been a change in the applicant's qualification for a preference between the certification and selection for admission, including a change from one preference category to another. Once CHD has verified an applicant's qualification for a preference, CHD will not verify such qualification again unless over 60 calendar days has passed since verification or CHD has reasonable grounds to believe that the applicant no longer qualifies for a preference.

12.1. *Acceptable Methods of Verification*

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

Other information (income, asset value, deductions, exemptions, other factors, etc.) will be verified by using HUD EIV system and/or third party verification. Third party verification includes written documentation (with forms sent directly to and received directly from a source, not passed through the hands of the family). This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from CHD or automatically by another government agency, i.e., the Social Security Administration or AZDES.

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits, or CHD verification from HUD's online systems dated within the last sixty (60) days. If either of these forms of verification is not obtainable, then the file shall be documented as to why third party verification was not used.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc. In the event that the independent source of verification does not respond to written requests, oral verification may be used. Oral verification must be thoroughly documented in the file, in detail, as to why it was accepted. The available form for documenting oral verification must be completed in detail and contained in the case file.

EIV provides for the use of hand-carried documentation. Photocopies of the documents provided by the family will be maintained in the file. If the hand carried documentation does not provide a clear indication of total household income, CHD will attempt to verify through third party. CHD will make 2 attempts to obtain written or verbal verification.

When third party verification cannot be obtained, CHD will accept the documentation supplied by the family. Such documents will be maintained in the file. The file will be documented to explain why third party verification was not available. The participant will sign a statement that they understand if discrepancies are found they may be responsible for repayment to CHD and termination of assistance.

Use of the EIV system in its entirety is mandatory especially for all re-examinations and re-certifications.

CHD will maintain two years of annual reexamination EIV data in the file. Older data will be shredded and the shred date noted. CHD will follow HUD guidelines and modify this process at any time HUD determines a change.

12.2. *Income Information Verification System*

CHD will use the HUD Enterprise Income Verification System (EIV) to verify applicant and participant income information during annual reexaminations. The EIV consists of a collection of information taken from tenant records in PIC, financial data including tenant reported income, data obtained from SWICAs, the Social Security Administration, State systems for the Temporary Assistance for Needy Families (TANF) program, Credit Bureau Information (CBA) credit reports, Internal Revenue Service (IRS) Letter 1722, Private sector databases (e.g. The Work Number), and data obtained from the National Directory of New Hires (HDNH), and annual income discrepancies as a result of the comparison of tenant reported income to income reported by these third party agencies.

CHD will use additional EIV resources as they become available. This will be done at eligibility, interim review when possible, and at annual reexaminations of household income as appropriate.

Applicants and participants are still required to disclose accurate and complete information.

HUD's definition of a substantial difference between EIV income data and tenant-supplied income data is as follows:

- If the difference between the two is less than \$200 per month, CHD will request additional tenant-supplied income documentation to support tenant's reported income.
- If the difference is more than \$200 per month, CHD will obtain third party verification in order to properly calculate monthly household income.

EIV/UIV System Privacy Requirements

In order to view income data in the EIV system, CHD will have a valid Form-HUD 9886, *Authorization for the Release of Information/Privacy Act*, signed by all household members who are at least 18 years of age. Alternative consent forms are not acceptable for use of the EIV system. Form HUD-9886 notifies the signer of the authorization and purpose for collecting the information, the uses of the data, and the consequences to the individual for failing to provide the information.

EIV data will not be disclosed in any way that would violate the privacy of the individuals represented in the system.

It is important to note that EIV data will only be used to verify a family's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until CHD has independently verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include CHD requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information that CHD obtains from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Tenants will have access to their records upon written request and will have the opportunity to contest the contents of the information received by CHD through the HUD EIV system. If the tenant disagrees with any employment/wage information, the tenant must contest that information with the employer/income source. CHD cannot alter or modify any information in the EIV system.

Upon submission of additional documentation submitted by the tenant showing differing information, CHD will verify the information through third party verification. If the information is verified by the income source, CHD will correct its records to reflect correctly verified income information.

If the EIV information is contested by the tenant, but cannot be verified through third party verification, CHD must use the EIV income information received.

The case file must be thoroughly documented as to why the contested information was changed or not changed. All supporting documentation must be included in the file.

The employer/income source is responsible for correcting the information with the SWICA.

Upon written request, CHD can release EIV data to the tenant only. The tenant cannot, in writing or otherwise, give CHD permission to release the data to a third party.

Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

File and key control procedures are in place to ensure safeguards of all data received

12.3. Types of Verification

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

Verification Requirements for Individual Items		
Item to Be Verified	3 rd Party Verification	Hand-carried Verification
General Eligibility Items		
Social Security Number	Not allowed	Original Social Security Card, an appropriate government letter showing the number or other HUD-allowed method
Adult Status of Head of Household		Valid driver's license, identification card issued by a government agency or a birth certificate.
Full-Time Student Status – if >18)	Letter from school or VA, stating number of hours enrolled.	For high school students, any document evidencing enrollment. For higher education, registration and payment documentation.
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card

Verification Requirements for Individual Items		
Item to Be Verified	3 rd Party Verification	Hand-carried Verification
Disability (SSI, SSD) ** Requires periodic reverification of the disability	Letter from medical professional, SSI, print-out of benefit amounts generated by CHD through automated link to DES, etc. EIV system verification, if available for social security disability benefits. EIV verification of information provided	Proof of SSI or Social Security disability payments
Need for a live-in aide	Letter from health care provider (see PIH 2008-20) knowledgeable of condition	N/A
Displaced Homemaker	N/A	SSA printout showing level of earned income in last five years; copy of marriage certificate and divorce, separation, death certificate; letter from counseling/assistance program for displaced homemakers attesting to status.
Victim of Domestic Violence, Dating Violence, Stalking (VAWA)	Police report, letter from counseling service/agency (Can be provided by victim)	Police report, form HUD 50066, <i>Certification of Domestic Violence, Dating Violence, or Stalking</i> ; copy of order of protection. Form HUD 50066 must be accompanied by a police report, order of protection or letter attesting to counseling/agency assistance
Child care costs	Letter from care provider stating amount and frequency of payment, hours of care, names of children, and if care is necessary for employment or education.	Bills and receipts

Verification Requirements for Individual Items		
Item to Be Verified	3 rd Party Verification	Hand-carried Verification
Addition of family member due to adoption or custody. (If increase in bedroom size)	Court-awarded custody decree or legal adoption. In the case of an emergency placement, court supplied documentation of the necessity of placement.	Court-awarded custody decree or legal adoption. Notarized letter from parent or custodian allowing minor to reside with the assisted family
Disability assistance expenses	Letters from suppliers, caregivers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Medicare Discount Card ***This entry is invalid after May 15, 2006		A card with the words "Medicare Approved" on it. (this will determine the \$600 transitional credit disregard.)
Medicare Discount Benefit ***This entry is invalid after May 15, 2006		Individual receipts if the pre-discount cost is included; A comparison of receipts before and after the application of the discount; Other information provided by the pharmacy supplying the prescription; or If nothing else available, an imputed value of \$48.17 per prescription.
Medicare Prescription Drug Coverage		A card issued by the private prescription drug plan with the words "Medicare Rx" on it.
Value of and Income from Assets		
Savings, checking accounts	Letter from institution. (In accordance with EIV guidance on 3rd party verification, tenant-provided documentation (monthly statements) may be used. If	Passbook, most current statements

Verification Requirements for Individual Items		
Item to Be Verified	3 rd Party Verification	Hand-carried Verification
	review shows deposits are attributable to EIV and/or tenant-reported income, no further verification necessary. Savings account information must be included on statements.	
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property held as investments	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services, , DES child support enforcement print out	Record of deposits, divorce decree
Social Security		Letter from Social Security as verified by HUD computer systems.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd Party Verification	Hand-carried Verification
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> - whether enrolled or completed - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion 	N/A

12.4. Verification of Citizenship or Eligible Noncitizen Status

Prior to admission, every family member regardless of age must provide CHD with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family shall have ninety (90) calendar days after starting to receive the assistance to provide a complete and accurate Social Security Number. CHD may grant one ninety (90) day extension if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification.

Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their Social Security Number.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, CHD will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

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

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. CHD may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

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

If CHD determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted.

12.5. Verification of Social Security Numbers

Prior to admission, each family member must provide verification of their Social Security number. New family members must provide this verification prior to being added to the lease.

The best verification of the Social Security number is the original Social Security card.

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

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

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up

to sixty (60) calendar days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) calendar days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

12.6. *Timing of Verification*

Verification information must be dated within 60 calendar days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, CHD will verify and update all information related to family circumstances and level of assistance. (Or, CHD will only verify and update those elements reported to have changed.)

12.7. *Frequency of Obtaining Verification*

Household composition will be verified annually, unless an interim examination is necessary. The frequency that household income will be verified depends on the type of rent method chosen by the family and reported changes.

For each family member, citizenship/eligible non-citizen status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be verified.

12.8. *Resolving Discrepancies*

If the verification process uncovers discrepancies in reported family composition or household income, CHD will set an appointment with the family to discuss the discrepancy. The family will have the opportunity to provide documentation supporting the information supplied. If the documentation does not support or does not adequately resolve any CHD concerns, CHD will thoroughly document the file as to the final resolution. EIV rules will be followed to determine which verification information will be used to calculate tenant rent.

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1. Family Choice of Rent (§960.253)

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

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo. However, any changes to the Flat Rent amounts due to market changes will be effective on the annual anniversary date for each affected family.
- B. Families who opt for the flat rent will be required to undergo an annual review of family composition.
- C. Families who opt for the flat rent may request to have a reexamination and switch to the income-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

Upon submission of family's request for switch, CHD will review the family situation and determine whether or not a financial hardship exists. If it is determined that a financial hardship exists, CHD will immediately allow the switch to income-based rent.

- D. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, CHD will provide them with the following information whenever they have to make rent decisions:
 - 1. CHD's policies on switching types of rent in case of a financial hardship; and
 - 2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, CHD will provide the amount of income-based rent for the subsequent year only the

year CHD conducts an income reexamination or if the family specifically requests it and submits updated income information.

3. There is no utility allowance for families who choose the flat rent.

13.2. The Income Method

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income; or
- B. 30% of the family's adjusted monthly income; or
- C. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or
- D. The minimum rent amount.

*** When calculating income for a wage earner who works less than 12 months per year (example is a school employment where the person is off during the summer), calculate the TTP both ways, then give the head of household the choice. The head of household MUST initial agreeing to the rent calculation method chosen.

13.3. Minimum Rent

HUD allows the minimum rent to be set between \$0 and \$50.00. If the family requests a hardship exemption, however, CHD will suspend the minimum rent beginning the month following the family's request until CHD can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 1. When the family has lost eligibility for, or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
 2. When the family would be evicted because it is unable to pay the minimum rent;

3. When the income of the family has decreased because of changed circumstances, including loss of employment; and
 4. When a death has occurred in the family.
- B. No hardship. If CHD determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
 - C. Temporary hardship. If CHD reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the tenant portion of the rent will not be imposed for a period of 90 calendar days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the tenant portion of the rent will be imposed retroactively to the time of suspension. CHD will offer a repayment agreement in accordance with Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period, CHD will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
 - D. Long-term hardship. If CHD determines there is a long-term hardship, the family will be exempt from the tenant portion of the rent requirement until the hardship no longer exists.
 - E. Appeals. The family may use the grievance procedure to appeal CHD's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

13.4. The Flat Rent

CHD has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its age, condition, amenities, services, and neighborhood. CHD determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 45-day notice of any rent change. Adjustments are applied on the annual anniversary date for each affected family (for more information on flat rents, see Section 15.3).

There is no utility allowance for families paying a flat rent.

Flat rent amounts as of July 1, 2007 are as follows:

	Cholla Vista
	Glendale Homes
	Lamar Homes
One bedroom	\$326
Two bedroom	\$407
Three bedroom	\$488
Four bedroom	\$569

13.5. Rent for Families Under the Non-Citizen Rule

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

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

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

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

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

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

13.6. Utility Allowance

CHD will evaluate utility allowances at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The payment responsibilities for utilities to the public housing rental units are as follows:

CHD shall pay for City water, trash removal, and sewer fees. All other utilities are the responsibility of the tenant family. Telephone and cable television are not considered utilities.

The utility allowance will be subtracted from the family's income rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to CHD.

The amount of the utility allowance will be paid directly to the utility company to be applied to the tenant family's monthly bill. In the event that the billed amount is less than the utility allowance, the utility company will place a credit on the tenant family's utility account. Any utility cost above the allowance is the responsibility of the tenant. The utility company will continue to send monthly billing statements to the tenant family, showing either a credit balance or additional payment due to satisfy the utility charge. The utility payment will be sent to the utility company with the highest bill owed by the tenant family. The other utility charge will be the sole responsibility of the tenant family.

24 CFR §965.505 states, "For systems that offer residents the option to choose air conditioning, the PHA shall not include air conditioning in the utility allowances." Regulations prohibit CHD from giving a utility allowance for costs incurred in running the air conditioner. However, 24 CFR §965.508 allows a housing authority to grant relief on reasonable grounds for individuals as defined in §965.508. A letter received October 11, 2005 from HUD also states that a housing authority may provide such relief to individuals, individual units, or projects. HUD does not have to approve relief as stated in the CHD ACOP. If CHD determines to provide relief via a utility allowance, CHD is required to establish criteria necessary to grant relief and to continue to provide a utility allowance for air conditioning. The criteria is as follows:

Glendale Community Housing will provide a utility allowance for air conditioning for all units in all public housing rental communities.

CHD will monitor costs closely to determine if it can continue to financially cover allowing a utility allowance for air conditioning to public housing residents. CHD retains the right to reduce or remove the utility allowance for air conditioning in accordance with federal regulations.

13.7. Paying Rent

Rent and other charges are due and payable on the first day of the month. All rents should be paid at **CHD Office, located at 6842 North 61st Avenue, Glendale, Arizona 85301**. A late charge of \$10.00 shall be charged to any tenant account in which rent is paid after 5:00 p.m. of the fifth day of the month, and is due the first day of the second month following the delinquency.

Rental payments of \$10.00 or greater must be paid by check or money order. Personal checks will not be accepted and rental payments must be paid by money order if a check has been returned to CHD for non-sufficient funds. Cash payments will be accepted for rental payments under \$10.00.

Reasonable accommodations for this requirement will be made for persons with disabilities.

If any rent payment check is returned by the bank as not payable, no further checks will be accepted from the household. Any subsequent payments will be made in money orders or cashier's check only.

A tenant may receive a reduction in rent in return for certain maintenance tasks in common areas and/or other services. The terms and amount of the reduction will be in accordance with current CHD procedures governing rent reductions for tenant services and applicable HUD regulations. Any agreement for rent reduction in return for services will be incorporated into the tenant's lease by amendment.

13.8. Collection fees

Should it be necessary for collection through legal proceedings or through a collection agency, the undersigned will pay a reasonable collection fee to the holder hereof together with the costs and reasonable expenses of collection.

14.0 COMMUNITY SERVICE (§960.600)

14.1. Community Service Requirement

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement, or (3) perform eight hours per month of combined activities unless they are exempt from this requirement. Service must be performed within the jurisdictional boundaries of the City of Glendale.

14.2. Definitions

A. **Community Service** - volunteer work, which includes, but is not limited to:

1. Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;
2. Work with a non-profit organization that serves PHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls clubs, 4-H program, PAL, Garden Center, Community cleanup programs, beautification programs, other youth or senior organizations;
3. Work at CHD when activities are available;
4. Helping neighborhood groups with special projects;
5. Working through resident organization to help other residents with problems, serving as an officer in a Resident organization, serving on the Resident Advisory Board; and
6. Caring for the children of other residents so they complete their community service requirements or attend a resident council meeting.

B. **Self Sufficiency Activities** - activities that include, but are not limited to:

1. Job readiness programs;
2. Job training programs;
3. GED classes;
4. CHD-provided job training programs, i.e. stipend program;
5. Substance abuse or mental health counseling;
6. English proficiency or literacy (reading) classes;
7. Apprenticeships;
8. Budgeting and credit counseling;
9. Any kind of class that helps a person toward economic independence; and
10. Full time student status at any school, junior college, college, or vocational school.

C. **Exempt Adult** - an adult member of the family who:

1. Is 62 years of age or older;
2. Has a disability that prevents him/her from being gainfully employed and has certified that due to the disability the disabled person is unable to comply with the service requirement;

3. Is the caretaker of a disabled person who has certified that due to the disability the disabled person is unable to comply with the service requirement;
4. Is working at least 20 hours per week in work activities as defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)), specified below:
 - a) Unsubsidized employment;
 - b) Subsidized private-sector employment;
 - c) Subsidized public-sector employment;
 - d) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - e) On-the-job-training;
 - f) Job-search and job-readiness assistance;
 - g) Community service programs;
 - h) Vocational educational training (not to exceed 12 months with respect to any individual);
 - i) Job-skills training directly related to employment;
 - j) Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - k) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
 - l) The provision of childcare services to an individual who is participating in a community service program.
5. Is participating in a welfare to work program.
6. Certified as exempt from work activities under a State Programs as stated by the Social Security Act or any other welfare state program; and
7. Member of a family receiving TANF assistance, benefits, or service under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or under any other welfare program of the State in which the PHA is located, including a State administered welfare-to-work program and has not been found by the State or other administering entity to be in non-compliance with such program.

By regulation, CHD can use reasonable guidelines in clarifying work activities in coordination with the Temporary Assistance to Needy Families (TANF) agency, as appropriate.

14.3. Notification of the Requirement

By reviewing all documentation in the tenant file, CHD shall identify all adult family members who are not exempt from the community service requirement.

CHD shall notify all non-exempt family members of the community service requirement, and all exempt family members of their exempt status in writing. The notification will provide the opportunity for non-exempt family members to claim and explain an exempt status. CHD shall verify such claims.

The notification will inform all exempt adult family members that they need to certify to their exempt status by completing the Exempt Status Certification form available in the housing administrative office.

The notification will advise family members that their community service obligation will begin the month following notification. It will also advise them that failure to comply with the community service requirement may result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

At lease execution, all adult family members, age 18 or older, will be given a copy of the Community Service policy. The family member will sign the document, with the original placed in the tenant file and a signed copy to the family member. All non-exempt family members will receive time logs, service verification forms, and will sign the Community Service Agreement form, stating they have been apprised of their responsibilities.

14.4. Volunteer Opportunities

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

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

14.5. The Process

Upon admission to the program or at the start of the reinstated program, and then at each annual reexamination thereafter, CHD will do the following:

- A. Verify whether household members 18 years of age or older are required to participate in the Community Service program.
- B. Provide a list of known volunteer opportunities to the family members.
- C. Have each adult family member sign the Community Service Policy, acknowledging their responsibilities and that they understand the consequences of non-compliance.
- D. All non-exempt family members will receive time tracking logs and service verification forms.
- E. All exempt family members will sign the Exemption Certification, certifying to their exempt status.
- F. Thirty (30) calendar days before the family's next lease anniversary date, CHD will verify compliance with the community service requirement for each adult non-exempt family member.
- G. Each family member required to perform this service will be responsible for providing certification of their monthly progress. The eligibility worker will track the family member's monthly progress for compliance with the requirement.
- H. If a resident's status changes from exempt to nonexempt, it is the resident's responsibility to notify CHD of the change and to make arrangements to complete any required community service time.

14.6. Notification of Non-compliance with Community Service Requirement (§960.605)

At least 30 days before the end of the lease term, CHD will notify any family member found to be in noncompliance of the following:

- A. The family member(s) determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure;
- C. That the tenant may exercise any available judicial remedy to seek timely redress for the lease nonrenewal; and
- D. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed at the next annual recertification.

14.7. Opportunity for Cure

CHD will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours that are deficient, as

needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with the current year's community service requirement.

If any applicable family member does not accept the terms of the noncompliance agreement, the lease will not be renewed unless the noncompliant family member no longer resides in the unit. If the noncompliant family member is the head of household, the lease will not be renewed.

If any member of the family enters into an agreement to comply in order to cure noncompliance, and does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service, CHD will not renew the lease at the next reexamination.

In the case of non-compliance of a family member other than the head of household, the family has the option of providing written assurance to CHD that the noncompliant family member no longer resides in the unit.

14.8. Prohibition Against Replacement Of Agency Employees

In implementing the service requirement, CHD may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

14.9. Satisfying Delinquent Community Service Hours after Leaving the Program

Families who have left public housing for any reason(s) other than one that would preclude receiving assistance at any time in the future, and who have failed to meet their community service requirement must correct their deficiency before becoming eligible again for assistance. The community service hours can no longer be satisfied under the program, however, CHD will consider entering into an agreement to allow correction and completion of the delinquency. All community service program guidelines apply except that hours owed will be satisfied as follows:

1. If less than 40 hours are owed, complete a minimum of 40 hours of community service, or;
2. If more than 40 hours are owed, complete the total hours of community service owed.
3. Report completion of hours monthly using the same forms.

CHD will make the determination if the hours completed meet the guidelines for acceptable service.

Eligibility for re-entry into the program will not be considered until the delinquency is satisfied.

15.0 RECERTIFICATIONS (§960.257)

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

15.1. General

CHD will send a notification letter to the family letting them know that it is time for their annual reexamination and scheduling an appointment. They will be given the option of selecting either the flat rent or income method. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter includes forms for the family to complete in preparation for the interview. It also will have instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

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

Existing tenants must comply with the security deposit requirements as stated in Section 10.9.B. This requirement will be met at the time of the tenant's annual recertification for program eligibility. Existing tenants will also be given six months to pay the additional security deposit if paying the full amount would be a hardship.

15.2. Missed Appointments

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

15.3. Flat Rents

- A. Each year at the time of the annual reexamination, the family is given the option of selecting between the two methods of determining the amount of tenant rent paid monthly by the family. The family will be informed of the following:
1. The amount of the flat rent.
 2. The amount of the income-based rent
 3. They will not be offered this choice more than once a year.

4. Utility allowances are not paid on flat rents.
 5. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo, however they will undergo a family composition reexamination annually.
 6. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
 - a. The family's income has decreased.
 - b. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 - c. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.
- B. The family must sign a certification accepting or declining the flat rent. This choice will also be noted in the lease agreement.
- C. Once a family returns to the income based method during their "lease year" they cannot go back to a flat rent until their next regular annual reexamination.

15.4. The Income Method

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

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

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of adjusted family's monthly income;
- C. The minimum rent.

The family shall be informed of the results of the rent calculation under both the Income Method and the Flat Rent and given their choice of which rent to pay.

*** When calculating income for a wage earner who works less than 12 months per year (example is a school employment where the person is off during the

summer), calculate the TTP both ways, then give the head of household the choice. The head of household MUST initial agreeing to the rent calculation method chosen.

Child Support. Changes to child support will be effective the second month after the date the change is in effect, to allow for processing by the providing agency

15.5. *Effective Date of Rent Changes for Annual Reexaminations*

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

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

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

15.6. *Interim Reexaminations*

Families are required to report all family composition and income changes between regular reexaminations within 10 days of the change. If the family's rent is being determined under the income method, these changes may trigger an interim reexamination. During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

CHD reserves the right to perform an interim reexamination for the following changes:

- Household income increases.

- Household income decreases. Decreases in income of a short-term nature of one month or less will not be considered for interim change. More than three income decreases in a six month period will be cause to review for annualization of income. As income is annualized, short term decreases may not cause a decrease in the tenant portion of the rent.

- Family composition changes

CHD reserves the right to modify this policy at any time based on program need.

Complete verification of the change in circumstances will be documented. Failure to report these changes may result in a retroactive rent charge or eviction action against the tenant.

Before any person will be allowed to move in with the assisted family, the PHA must be notified and the person to be added must meet all screening requirements.

In order to add a household member other than through birth or adoption (including a live-in aide) the family must request that the new member be added.

Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number if they have one, and must verify their citizenship/eligible immigrant status. The new family member will go through the screening process similar to the process for applicants. CHD will determine the eligibility of the individual before allowing them to be added to the lease.

If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, CHD will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member.

1. **Family Composition Changes:** All changes must be reported to CHD. Additions to the family other than birth of a child must have prior written approval of the owner and CHD.

A request to add a person to a household may be approved if the change does not cause an increase to the size of the unit, or if it is a reasonable accommodation. CHD reserves the right to review each case to determine the merits of each request.

Additions to the family will be denied to:

- a. Persons who have been evicted from public housing or Section 8.
- b. Persons who have previously violated a family obligation as listed in CHD public housing lease and 24 CFR §966.4.
- c. Persons who commit drug-related criminal activity or violent criminal activity.
- d. Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- e. Persons who currently owe rent or other amounts to CHD or to another housing authority.

15.7. Effective Date of Rent Changes Due to Interim Reexamination or Special Reexamination:

- A. **Rent Decreases:** If a change in family circumstances or income results in a rent decrease, the adjustment in rent will be effective the first day of the month following the date of reported change.
 1. The decrease will be granted pending verification.

2. The decrease will be granted pending verification, if not of short term duration (one month or less.) As income is annualized, short term decreases may not cause a decrease in the tenant portion of the rent.
 3. The participant will pay back any overpaid assistance if less than \$50.00.
 4. If the overage is more than \$50.00, the participant must sign a promissory note.
- B. Rent Increase: If a change in family circumstances or income results in a rent increase, the adjustment in rent will be made effective the first day of the second month following that in which the change in family circumstances or income occurred.
- C. Notification of Change: Resident will be notified as to any changes in the tenant rent.

In the interest of brevity, the word “error” is used in this section to represent errors, omissions, misrepresentations, and failure to report changes. If an error in rent is revealed at any time, proper adjustment will be made to correct the error as follows:

1. Errors Which are the Fault of Resident:
 - a. Resulting in Increase: Increased rent shall be retroactive to the first day of the month following the date the change occurred, not the date it is reported. Any additional rent amounts owed due to the failure to report the change shall be repaid to CHD within a reasonable time. Failure to repay may result in eviction.
 - b. Resulting in Decrease: If the error is the fault of the resident and it results in a decrease in rent, the change will be made effective the first of the month following the month in which the change is reported or discovered. No refund will be due.
2. Errors Which are Not the Fault of Resident:
 - a. Resulting in Increase: If the error is not the fault of the resident and it results in increased tenant rent, such rent shall be made effective the first day of the second month following the month the change was reported.
 - b. Resulting in Decrease: If the error is not the fault of the resident, and corrective action results in a decreased rent, the corrected rent shall be made effective as of the date the error was made. If a refund is necessary, because of a decrease in rent, it shall be processed immediately.
 - c. The refund will be for the amount of the mistake going back a maximum of 12 months. The refund shall be given to the resident

as soon as practical or credited to the resident's account, whichever the resident desires, unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

15.8. *Special Reexaminations*

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income or have a temporary decrease in income, CHD may schedule special reexaminations every sixty (60) calendar days until the income stabilizes and an annual income can be determined. CHD also reserves the right to annualize household income based on the previous 12 months of income.

15.9. *Zero Income Reporting*

Families reporting zero income will be required to complete a questionnaire and submit an expense statement for all family members, reflecting all funds and sources of funds coming into the household and the method of payment for utilities, telephone, incidentals, food, rent, vehicle expenses, clothing, etc. (See 24 CFR §5.609 for types of amounts, monetary or not, which are included as income.)

CHD may require a zero income family to report income sources on a monthly basis, including providing receipts for living expenses incurred.

CHD reserves the right to review zero income families on a case-by-case basis for annualization of income based on previous year. Unless the family is unemployed due to layoff, reduction in force, or medical reason, the family's income will be annualized. Unemployed benefits count as income and do not place the family in a zero income category. The family must supply proof of filing for unemployment benefits, as during this economic crisis, it can be 4-6 months before benefits are received.

16.0 UNIT TRANSFERS

16.1. *Objectives of the Transfer Policy*

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.

- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting CHD's deconcentration goal.
- F. To eliminate vacancy loss and other expenses due to unnecessary transfers.
- G. To accommodate *Remaining Family Members*.

16.2. Categories of Transfers

- A. Transfer Waiting List - CHD shall maintain a list of the names of tenants requiring transfer in chronological order within the listed priorities.
- B. Transfer Priorities - Transfers will be granted to tenants according to the following priorities:
 1. Hazardous Defects - Tenants whose units have defects hazardous to life, health, or safety. If such defects are caused by tenant abuse and/or neglect, termination of tenancy rather than transfer may result.
 2. Unit Rehabilitation - Tenants who must be transferred to allow for rehabilitation or construction work in their unit.
 3. Medical Condition - Tenants who have a medically verified physical condition that requires a different type or size of unit.
 4. Unit Size Adjustments - Tenants either over or under housed who require a unit size adjustment.
 5. Other - Tenants requesting transfer for any reason other than the above specified categories.
- C. Dwelling Unit Size Adjustments: If CHD determines that the size of the dwelling unit is no longer appropriate to the tenant's needs, whether too large or too small, it shall serve notice of such determination to the tenant. The notice will advise the tenant that they have been placed on a waiting list to await the availability of a suitable unit. Tenant shall be given notice in writing of the date that a suitable unit is expected to be ready for occupancy. Tenant shall be given a reasonable time of not less than fourteen (14) days in which to move. Fourteen (14) days shall commence on the day that the new lease is signed and the keys to the new unit are delivered to the tenant. Return of the keys to the original unit shall evidence termination of the prior lease. Failure to deliver keys to the original unit by the end of the 14th day will result in the tenant being responsible for the rent on both units until the keys have been delivered. Tenant's failure to transfer to a suitable unit is a cause for eviction.

Tenants shall not be penalized if they are willing to accept the new unit but are unable to move by the date required and present evidence satisfactory to CHD of their inability to move.

16.3. Documentation

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

16.4. Incentive transfers

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a tenant for three years;
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year, whichever is less;
- D. The family is current in the payment of all charges owed to CHD and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.

16.5. Processing Transfers

CHD will accept, prioritize, and process transfer requests in such a manner as to avoid situations that adversely affect program operations, taking into account the resources available to accomplish the transfers. As resources for a transfer become available, the household to be transferred may take precedence over an admission from the waiting list.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If CHD determines that a transfer is appropriate, it shall serve notice of such determination to the tenant. The notice will advise the tenant that they have been placed on a waiting list to await the availability of a suitable unit. Tenant shall be given notice in writing of the date that a suitable unit is expected to be ready for occupancy. Tenant shall be given a reasonable time of not less than fourteen (14) days in which to move. Fourteen (14) days shall commence on the day that the new lease is signed and the keys to the new unit are delivered to the tenant. Return of the keys to the original unit shall evidence termination of the prior lease. Failure to deliver keys to the original unit by the end of the 14th day will result in the tenant being responsible for the rent on both apartments until the keys have been delivered. Tenant's failure to transfer to a suitable unit is a cause for eviction. Tenants shall not be penalized if they are willing to accept the new unit but are unable to move by the date required and present evidence satisfactory to CHD of their inability to move.
- C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

16.6. Cost Of The Family's Move

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by CHD in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities;
or
- B. When action or inaction by CHD has caused the unit to be unsafe or
inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

16.7. *Tenants in Good Standing*

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with CHD. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

All utilities that are the responsibility of the tenant must be paid and in current status. CHD will request proof of utilities paid current before approving a unit transfer or transfer to the HCV Section 8 program. If a family moves before CHD is notified of unpaid utilities, the family must resolve the unpaid debt. Failure to do so may result in termination of assistance.

16.8. *Transfer Requests*

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, CHD may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. CHD will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

CHD will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

16.9. *Right Of CHD In Transfer Policy*

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

17.0 INSPECTIONS

CHD will maintain the public housing properties and buildings in a manner that meets the physical condition standards set forth in 24CFR Part 902 in order to be considered decent, safe, sanitary, and in good repair.

- A. Major inspectable areas. The five major inspectable areas are the following:
1. Site. The site includes components, such as fencing and retaining walls, grounds, lighting, mailboxes, signs (such as those identifying the development or areas of the development), parking lots/driveways, play areas and equipment, refuse disposal, roads, storm drainage and walkways. The site must be free of health and safety hazards and be in good repair. The site must not be subject to material adverse conditions, such as abandoned vehicles, dangerous walks or steps, poor drainage, septic tank back-ups, sewer hazards, excess accumulations of trash, vermin or rodent infestation or fire hazards.
 2. Building exterior. Each building on the site must be structurally sound, secure, habitable, and in good repair. The building's exterior components such as doors, fire escapes, foundations, lighting, roofs, walls, and windows, where applicable, must be free of health and safety hazards, operable, and in good repair.
 3. Building systems. The building's systems include components such as domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system. Each building's systems must be free of health and safety hazards, functionally adequate, operable, and in good repair.
 4. Dwelling units. Each dwelling unit within a building must be structurally sound, habitable, and in good repair. All areas and aspects of the dwelling unit (for example, the unit's bathroom, call-for-aid, ceiling, doors, electrical systems, floors, hot water heater, HVAC (where individual units are provided), kitchen, lighting, outlets/switches, patio/porch/balcony, smoke detectors, stairs, walls, and windows) must be free of health and safety hazards, functionally adequate, operable, and in good repair.

The dwelling unit must have hot and cold running water, including an adequate source of potable water.

The dwelling unit's sanitary facility must be in proper operating condition, usable in privacy, and adequate for personal hygiene and the disposal of human waste.

The dwelling unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the unit.

5. Common areas. The common areas must be structurally sound, secure, and functionally adequate for the purposes intended. The common areas include components such as basement/garage/carport, restrooms, closets, utility, mechanical, community rooms, day care, halls/corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas, if applicable. The common areas must be free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, outlets/switches, smoke detectors, stairs, walls, and windows, to the extent applicable, must be free of health and safety hazards, operable, and in good repair.
- B. Health and safety concerns. All areas and components of the housing must be free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint. For example, the buildings must have fire exits that are not blocked and have handrails that are undamaged, and have no other observable deficiencies. The housing must have no evidence of infestation by rats, mice, or other vermin, or of garbage and debris. The housing must have no evidence of electrical hazards, natural hazards, or fire hazards. The dwelling units and common areas must have proper ventilation and be free of mold, odor (e.g., propane, natural gas, methane gas), or other observable deficiencies. The housing must comply with all regulations and requirements related to the ownership of pets, and the evaluation and reduction of lead-based paint hazards and have available proper certifications of such

17.1. Types of Inspections

The following lists the types of inspections conducted by CHD:

- A. Pre-Occupancy Inspection - before tenant occupies the dwelling unit, the premises will be inspected jointly by the tenant and CHD staff. Both parties will agree upon the condition of the unit by signing an inspection sheet.
- B. Regular and Periodic Inspection – on an annual basis CHD shall conduct an inspection of each unit. This inspection will serve as documentation in the determination of needed maintenance or repairs, to assess damage over and above normal wear and tear, and to determine that the family is maintaining the unit according to CHD standards. Failure to maintain the dwelling unit and premises in a safe, sanitary, and undamaged condition may result in lease termination.
- C. Move-Out Inspections - when tenant vacates, CHD shall conduct an inspection of the dwelling unit to determine the condition of the unit, damages, and related charges. The tenant shall be notified of the move-out inspection and given the opportunity to attend. CHD shall furnish the tenant with a written statement of the charges, if any, for which the tenant is responsible. Such notice shall advise the tenant of their right to file a grievance if they disagree with the statement of charges.

Recordkeeping - a copy of each inspection report shall be retained in the appropriate tenant or unit file.

17.2. Notice of Inspection

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, CHD will give the tenant at least two (2) days written notice. If CHD determines there is an issue of health or safety, advance notice is not required.

17.3. Emergency Inspections

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

If the failed item is the responsibility of the resident, notice will be given stating 24 hours to correct or eviction may occur. CHD will reinspect the unit after the 24-hour period to verify abatement of the emergency item.

The following items are to be considered examples of emergency items:

- A. No hot or cold water
- B. No electricity
- C. No gas service
- D. Inability to maintain adequate heat
- E. Major plumbing leak
- F. Natural gas, propane, or LP gas leak
- G. Broken lock(s) on first floor doors or windows
- H. Broken windows that unduly allow weather elements into the unit
- I. Electrical outlet smoking or sparking
- J. Exposed electrical wires that could result in shock or fire
- K. Unusable toilet when only one toilet is present in the unit
- L. Security risks such as broken doors or windows that would allow intrusion
- M. Other conditions which pose an immediate threat to health or safety

17.4. Other inspections

CHD will determine when or if other types of inspections are required. Other types of inspections can include but not limited to housekeeping, security, or safety. Issues needing attention may arise that are not on this list. These inspections will be CHD discretion based on a needs determination.

18.0 PET POLICY (§960.701, §5.303)

18.1. Exclusions

This policy does not apply to service animals, support animals, assistance animals, or therapy animals that are used to assist persons with disabilities. These animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors. The person requesting this exclusion must have a disability and the accommodation must be necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling.

Assistive animals must be licensed and inoculated as required by local laws. The tenant must provide documentation of current license and inoculations on an annual basis at each recertification.

In addition, CHD is not required to provide any reasonable accommodation that would pose a direct threat to the health or safety of others. Thus, if the particular animal requested by the individual with a disability has a history of dangerous behavior, we will not accept the animal into our housing. Moreover, we are not required to make a reasonable accommodation if the presence of the assistance animal would (1) result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by a reasonable accommodation; (2) pose an undue financial and administrative burden; or (3) fundamentally alter the nature of the provider's operations."

18.2. Qualifying as an Assistive Animal

An assistance animal is not a "pet." To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the person's disability. CHD will verify the existence of the disability, and the need for the accommodation— if either is not readily apparent. In order to be considered an assistive animal, the following qualifications must be met:

- A. Persons who are seeking a reasonable accommodation for an emotional support animal will be required to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides support that alleviates at least one of the identified symptoms or effects of the existing disability.

In accordance with PIH Notice 2006-13, Non-Discrimination and Accessibility for Persons with Disabilities, issued March 8, 2006, an animal does not necessarily need formal/professional training in order to be considered an assistance animal. However, the animal must perform the assistance or provide a benefit needed by the person with a disability.

All reasonable lease provisions relating to health and safety apply to assistance/service animals, such as maintaining the premises in a clean and sanitary condition and ensuring that neighbors enjoy their premises in a safe and peaceful manner.

18.3. *Approval of a Pet*

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

18.4. *Types and Number of Pets*

Residents are permitted to own and keep no more than two (2) common household pets in their apartment. CHD will allow only common household pets. This means only domesticated animals such as a dog, cat, bird, rodent (including a rabbit), fish in aquariums or a turtle will be allowed in units. Common household pets do not include reptiles (except turtles).

All dogs and cats must be spayed or neutered before they become six months old. A licensed veterinarian must verify this fact.

18.5. *Inoculations*

In order to be approved by CHD, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances. Owners must comply with all other state and local public health, animal control, and anti-cruelty laws, including any/all licensing requirements. Proof of inoculations and licensing must be submitted to CHD annually.

18.6. *Pet Deposit*

The amount of pet deposit charged per apartment will be \$100.00 payable within six months. CHD will refund the pet deposit to the resident upon permanent removal of the pet(s) from the premises after an inspection by CHD showing that the premises are clean, odor free, and undamaged. Animals owned by elderly or disabled family members are exempt from the deposit requirement.

18.7. *Damages - Financial Obligation Of Residents*

Resident agrees to report immediately any damage caused by the pet(s) and to pay reasonable charges for repair to the premises, buildings, facilities, and common areas caused by the pet(s), payable on the day on which the rent is due, one month following the effective date of the charges.

18.8. *Nuisance or Threat to Health or Safety*

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

Cats must use a sanitary, waterproof litter box in the apartment. Pet waste must be removed from the litter box daily, and the litter must be changed at least two times per week. Pet waste droppings must be removed immediately from the unit, and disposed of in CHD dumpsters. A waste removal charge of \$5.00 will be charged for failure to remove waste.

Dog waste must be picked up immediately from the common grounds.

Pet(s) must not disturb other residents, including but not limited to loud and excessive barking.

Repeated, substantiated complaints by neighbors or CHD personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or move him/herself. Failure to comply is grounds for termination.

18.9. Designation of Pet Areas

Pet(s) must be kept inside the apartment or, if outside, on a leash controlled by a responsible adult. No outdoor cages may be constructed.

Pet(s) must be kept out of landscaping, storage/laundry rooms, and common areas not assigned to the resident.

Pet(s) must not be left unattended for more than 24 hours. In the event any pet is left unattended for more than 24 hours, CHD may enter the premises and turn the pet over to the County Animal Control or other appropriate authorities. If the pet owner must be away from the premises, a responsible adult must be named to care for the animal. CHD must be able to contact the person regarding the pet.

18.10. Visiting Pets

Pets may visit the projects/buildings where pets are allowed for up to two (2) weeks without CHD approval. Tenants who have visiting pets must abide by the conditions of this policy regarding health, sanitation, nuisances, and peaceful enjoyment of others. If visiting pets violate this policy or cause the tenant to violate the lease, the tenant will be required to remove the visiting pet.

18.11. Pet License/Registration

Residents must maintain up-to-date inoculation records, dog license, and valid rabies tags on their pet(s). This information will be required to receive CHD approval to register pet(s).

All pet(s) must have a tag bearing the owners name, address, and telephone number, and must be registered at CHD office before being brought onto the premises, and annually thereafter.

Proof of inoculations and licensing must be submitted to CHD annually.

Residents must provide the name, address, and phone number of one or more responsible parties who will care for the pet in case of an emergency. CHD may require additional information if necessary to ensure compliance.

18.12. Miscellaneous Rules

Pets cannot be kept, bred, or used for any commercial purpose.

The pet shall be physically confined, controlled, or constrained during the times when a CHD employee, agent, or others must enter the unit to conduct business, provide services, enforce lease terms, etc.

If a pet causes harm to any person, the pet's owner shall be required to permanently remove the pet from the Housing Authority's property within 24 hours of written notice from the Housing Authority. The pet owner may also be subject to termination of the dwelling lease.

A pet owner who violates any other conditions of this policy may be required to remove his/her pet from the development within 10 calendar days of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.

The Housing Authority's grievance procedures shall be applicable to all individual grievances or disputes arising out of violations or alleged violations of this policy.

18.13. Denied Registration

The Community Housing Division may refuse to register a pet if:

The pet is not a common household pet;

The keeping of the pet would violate any applicable house-pet rule;

The resident fails to provide complete pet registration information or fails annually to update the pet registration and/or inoculations;

CHD determines that the pet owner will be unable to keep the pet in compliance with the pet rules and other lease obligations, based on the pet owner's habits, and practices;

The adding of a pet violates CHD density rule of not more than two (2) pets per apartment.

CHD will notify the pet owner if registration is denied. The notice shall state the reason for CHD decision to deny registration.

18.14. Notices

Notice of Violation – if CHD determines that a resident has violated a rule governing the owning or keeping of pet(s), CHD will serve a written notice of pet rule violation to the pet owner. The notice will:

- A. Make a brief statement of the determination and the pet rule or violation;
- B. State that the pet owner has 10 days from the effective date of the notice to correct the violation (including removing the pet) or to make a written request for a meeting to discuss the violation;
- C. State that the pet owner is entitled to be accompanied by another person at the meeting; and,
- D. State that failure to correct the violation, request a meeting, or appear at a requested meeting may result in termination of the pet(s) owner tenancy.

Notice of Meeting - if the pet owner makes a timely request for a meeting to discuss an alleged pet rule violation, CHD will establish a meeting, no later than 15 days from the effective date of the notice of pet violation. At the meeting, the pet owner and CHD representative shall discuss the violation and attempt to correct it. CHD may, as a result of the meeting, give the pet owner additional time to correct the violation.

Notice of Pet Removal - if the pet owner and CHD are unable to resolve the pet violation at the meeting, or if CHD determines that the pet owner has failed to correct the pet rule violation, within any additional time, CHD will serve a written notice to the pet owner requiring the pet owner to remove the pet. The notice must:

- A. Contain a brief statement of the determination and the pet rule or rules that have been violated;
- B. State that the pet owner must remove the pet within 10 days of the effective date of the notice of pet removal; and,
- C. State that failure to remove the pet may result in termination of the pet owner's tenancy.

19.0 REPAYMENT AGREEMENTS

When a resident owes CHD back charges and is unable to pay the balance by the due date, the resident may request that CHD allow them to enter into a Repayment Agreement. CHD has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months, unless reviewed and approved by administrator. All Repayment Agreements must be in writing and

signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

20.0 TERMINATION

20.1. Termination By Tenant

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) calendar days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

20.2. Termination By the Housing Authority

CHD will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. Failure to maintain current utilities;
- C. A history of late rental payments (four such late payments in a 12 month period will constitute a late history);
- D. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- E. Failure to allow inspection of the unit;
- F. Failure to maintain the unit in a safe and sanitary manner;
- G. Assignment or subletting of the premises;
- H. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- I. Destruction of property;
- J. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- K. Any criminal activity on the property or drug-related criminal activity on or off the premises by the leaseholder, a member of the household, or a guest. This includes but is not limited to the manufacture of methamphetamine on the premises of CHD;

- L. Have a household member who is currently engaging in illegal use of a drug;
- M. Have a household member who is a fugitive felon, parole violator, or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- N. Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Authority by the resident, household members, or guests of the resident or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises.
- O. Alcohol abuse that CHD determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- P. Non-compliance with Non-Citizen Rule requirements;
- Q. Failure to complete Community Service requirements;
- R. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of CHD;
- S. Removing any batteries from a smoke detector or failing to notify CHD if the smoke detector is inoperable for any reason;
- T. Other good cause.
- U. CHD will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

20.3. Domestic Violence, Dating Violence or Stalking (Violence Against Women Act (VAWA))

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence if the victim is the tenant or a member of the tenant's household.

Upon notification to CHD of the incident, CHD will require the victim to complete form HUD 50066, *Certification of Domestic Violence, Dating Violence, or Stalking*, a certification of the incident and return it to CHD within 14 days. Failure to do so removes the protections given through VAWA.

In addition to the self-certification form, the victim must also CHD may honor court orders regarding the rights of access or control of the property, including

EPO's (order of protection), DVO's (domestic violence order), and other orders issued to protect the victim and to address the distribution or possession or property among household members where the family "breaks up."

CHD may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. CHD will trespass the perpetrator from the public housing rental communities.

Consideration will be given if the perpetrator attends counseling or rehabilitation services and provides proof of attendance. Review will be on a case-by-case basis to determine if counseling or rehabilitation is sufficient reason to continue to assist the person. Any repeated act of actual or threatened domestic violence, dating violence, or stalking after consideration of counseling or rehabilitation will be cause for immediate termination of the perpetrator with no further consideration.

If after submitting a claim for protection under VAWA the victim allows the perpetrator back into the household/unit and CHD has not agreed to reinstate the person for assistance, assistance may be terminated for the family.

If in the case where the perpetrator is the only legal citizen in the household and is removed due to domestic violence, CHD must terminate assistance to the remaining non-citizen family.

There is no limitation on the ability of CHD to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on CHD terminating assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) assistance is not terminated.

If an incident of domestic violence, dating violence, or stalking results in damage to the unit, CHD will not charge the tenant with cost to repair/replace if the tenant takes the steps necessary to protect against the perpetrator (police, court, counseling, etc.). If the victim takes the necessary steps and CHD waives any maintenance charges associated with damage due to domestic violence, dating violence, or stalking and the victim allows the perpetrator back into the unit, CHD will charge the tenant with the full cost of the repair/replacement.

VAWA provides an exception to the prohibition against a family moving under portability in violation of the lease in the Section 8 program. Within public housing, CHD will consider allowing a family to move if it is to protect a member of the family who is a victim under VAWA and the only basis for the denial is that the family is violating the lease agreement. The family must provide documentation under VAWA and CHD will verify before allowing the family to

move. It will be at CHD discretion if the move will be within Glendale's public housing communities or into the Section 8 program.

CHD has a preference in place for victims of VAWA.

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

CHD shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority. Types of acceptable verifications are outlined below, and must be submitted within 14 business days after receipt of the Housing Authority's written request for verification.

20.4. VAWA Confidentiality

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity except to the extent that the disclosure is:

- A. Requested or consented to by the individual in writing;
- B. Required for used in an eviction proceeding; or
- C. Otherwise required by applicable law.

CHD shall provide its tenants notice of their rights under VAWA including their right to confidentiality and the limits thereof.

20.5. Abandonment

A unit is considered abandoned if the tenant has not resided in it for 10 days, the rent has not been paid for the current month, and there is no reasonable evidence other than the presence of the tenant's personal property that the tenant is occupying the residence.

CHD must post a written notice of intent to declare a unit abandoned. The notice must state from what date CHD determined the unit abandoned and that the tenant has 30 calendar days from the date of posting to reclaim the unit. If tenant does not reclaim the unit, CHD will take possession.

If the tenant leaves personal belongings in the unit, CHD must inventory the items and store them for 30 calendar days. If the tenants' personal belongings remain unclaimed after 30 calendar days, CHD may dispose of the items as seen fit. CHD must keep a list of the disposed items noting the methods of disposal. Costs for storage and disposal shall be assessed against the former tenant. CHD may not profit from the disposal of such items.

20.6. Return of Security Deposit

After a family moves out, CHD will return the security deposit within a reasonable time after termination of occupancy, or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

CHD will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 14 days.

21.0 SUPPORT FOR OUR ARMED FORCES

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. CHD is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, CHD wants to support them in the following manners:

- A. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income. The presence of the temporary guardian will need to be approved by CHD.
- B. Although typically a criminal background check is required before anyone can participate in the housing choice voucher program, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves into the assisted unit. If the results of the check indicate that the person is ineligible for the program, the family shall be given a reasonable time to find a replacement temporary guardian.
- C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, CHD will expeditiously re-evaluate a resident's portion of the rent if requested to do so.
- D. A unit cannot be held by a family that is not residing in it as their primary residence for more than 180 consecutive days because of a specific federal regulation. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within 30 calendar days of the conclusion of the active duty service. If the service extends beyond 180 calendar days, CHD will seek a waiver of the 180-day limit from HUD.

22.0 FRAUD

CHD is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the misrepresentation or concealment of a substantive fact made with the intention of deceiving or misleading CHD. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. CHD shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, CHD shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
- C. Terminate the resident's tenancy;
- D. Refer the case for criminal prosecution; or
- E. Take such other action, as CHD deems appropriate.

Additional procedures in place to address fraud can be found in CHD internal procedure titled, "Fraud Prevention and Awareness", which covers not only program/client fraud, but employee actions; the City of Glendale Human Resources Policy, and City Manager Directives.

23.0 GLOSSARY

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

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

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

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

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly or disabled families, disability expenses, and child care expenses for children under age 13. Other allowances can be given at the discretion of CHD. See Medical Expenses.

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

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

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

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

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

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

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

Assistance Applicant: A family or individual that seeks admission to the public housing program.

Bifurcate: with respect to a public housing or Section 8 lease, it means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

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

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

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under age 13, 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 childcare. In the case of child-care necessary to permit employment, the amount deducted shall not exceed the amount of income included in annual income from the enabled family member (ex. – amount after income exclusion.). (24 CFR 5.603(d))

Reasonable full time childcare is defined to be no more than the amount published by the Arizona Department of Economic Security (DES) as the average median cost as determined by the DES market rate survey for Maricopa County (See <http://arizonachildcare.org/acccost.html> for recent costs).

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

Community Service: The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

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

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

Currently Working: A family must be currently working when pulled for initial eligibility, or show proof of being hired to work in Glendale.

Dating Violence: [as defined in Section 40002 (a) (8) of VAWA 1994]: means violence committed by a person—

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

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

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

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

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

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

The deduction is equal to the amount by which the cost exceeds 3% of the family's annual income. The deduction may not exceed the earned income received by the family member who is enabled to work as a result of this expense.

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

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.") For purposes of qualifying for low-income housing, any family member who is disabled will qualify the family under this category.

Disabled Person: See "person with disabilities."

Disaster Voucher Program: Section 8 Voucher assistance program for families displaced by Hurricanes Katrina and Rita. Program is for 18 months or the end of funding, whichever comes first.

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

Displaced Homemaker: Someone who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or underemployed, and is experiencing difficulty in obtaining or upgrading employment. The person has spent at least five years as an unpaid homemaker. Circumstances leading a homemaker to be displaced include death, divorce, separation, or abandonment.

Displaced Person: 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. [1937 Act]

Domestic Violence: [as defined in Section 40002 (a) (6) of VAWA 1994]: – includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

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 programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, 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 Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

Enterprise Income Verification (EIV): HUD web-based household income verification system.

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

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

Extremely Low-income Families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Evidence (Credible): Credible Evidence includes, but is not limited to, evidence obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes, but is not limited to, documentation of drug raids or arrest warrants.

Evidence (Preponderance): Preponderance of Evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

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

Family includes but is not limited to:

- A. A family (single person or group of persons) with or without children;
- B. A group of persons consisting of two or more elderly persons, or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aide;
- C. An elderly family;
- D. A near-elderly family;
- E. A disabled family;
- F. A displaced family;

- G. The remaining member of a tenant family;
- H. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family; or
- I. Two or more persons related but who will live together in a stable relationship and share resources. (24 CFR 5.403).

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

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

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

Glendale Resident: Shall mean any family, including single member families that:

- A. Physically resides within the city limits of Glendale, Arizona (a mailing address will not automatically qualify an applicant for this preference; physical residence must be verifiable.) OR
- B. Are employed within the city limits of Glendale, OR
- C. Have been hired for employment within the city limits of Glendale, OR
- D. As homeless applicants, must verify they physically resided in Glendale, or were employed or hired for employment within the city limits of Glendale for the period immediately preceding the event(s), which have resulted in the family becoming homeless.
- E. The family has independent verifiable employment that generates annual income; or net income from operation of a business or profession equivalent to at least one half of permanent, full time employment; OR
- F. The family has a head and spouse, or sole member, who are age 62 or older, OR
- G. The family has a head and spouse, or sole member, who has been declared disabled by a certified medical practitioner.

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

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

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

Immediate Family Member: a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in place of the parents; or any other person living in the household of that person and related to that person by blood or marriage.”

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

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.

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

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

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

INS: The U.S. Immigration and Naturalization Service.

Involuntary Displacement: An applicant is or will be involuntarily displaced if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

- A. Displacement by disaster. An applicant's unit is uninhabitable because of a disaster such as a fire or flood.
- B. Displacement by government action. Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program.

- C. Displacement because of Domestic Violence. An applicant must relocate because of a domestic violence situation.

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

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

Live-in aides are not counted as remaining members of a tenant family and their income is not included in the calculation of family income. Live-in aides will be listed as residing in the unit on the lease and CHD may apply the same screening criteria as those used for screening any other tenants. Live-in aides will be required to sign the lease and any addenda. Tenant must request and receive approval for any change in live-in aide.

Rotating aides, occasional, intermittent, or multiple aides do not meet the definition of a live-in aide and therefore do not qualify for an extra bedroom. A live in aide must be identified and approved prior to moving into the unit with the assisted family.

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

Lump Sum Benefit: A one-time payment of periodic benefits for a previous period that may be included as income. Only that portion of the payment attributable to the time the tenant resided continuously under the Public Housing program may be counted as income.

Medical Expenses: 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 or reimbursed. Medical expenses are permitted only for a family where the head of household spouse or co-head is at least 62 years of age or disabled. If the family is eligible, medical expenses for all family members are deductions. Monthly payments made toward an accumulated medical bill are deductible expenses. The total deduction over time cannot exceed the amount of the bill.

Allowable medical expenses include the costs of diagnosis, cure, mitigation, treatment, or prevention of disease, and the costs for treatments affecting any part or function of the body. They include the costs of equipment, supplies, and diagnostic devices needed for these purposes and include, but are not limited to, prescription and non-prescription drugs, costs for doctors, therapists, medical facilities, and care for service animals. They also include dental expenses. (24 CFR §5.603(d)).

Medical care expenses must be primarily to alleviate or prevent a physical or mental defect or illness. They do not include expenses that are merely beneficial to general health, such as vitamins or a vacation, however, vitamins may qualify if deemed a necessary part of treatment.

Medical expenses include the premiums paid for insurance that covers the expenses of medical care, and the amounts paid for transportation to get medical care.

Medical expenses also include amounts paid for qualified long-term care services and limited amounts paid for any qualified long-term care insurance contract.

Minimum Rent: The minimum amount a family is required to pay for rent as established by CHD. HUD has set the minimum rent as an amount between \$0 and \$50.

Minor: A person less than eighteen years of age. (Head of household, spouse, or an unborn child may not be counted as a minor for the purpose of receiving a dependent allowance.)

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

Mixed Population Development: A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

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

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

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

Near-Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; 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. (24 CFR §5.403(b))

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts

in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or 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 tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

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

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

Participant: A family or individual that is assisted by the public housing program.

Perpetrator: A person who commits an act of domestic violence, dating violence or stalking against a victim.

Person with Disabilities: A person who:

- A. Has a disability as defined in 42 U.S.C. 423.
- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - 1. Is expected to be of long-continued and indefinite duration;
 - 2. Substantially impedes his or her ability to live independently; and
 - 3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in 42 U.S.C. 6001.

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

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

Previously Unemployed: This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Processing Entity: The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs, the processing entity is the responsibility entity.

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

Public Housing: Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.

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

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

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

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

Responsible Entity:

- A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based certificate or voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;
- B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

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

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

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

Specified Welfare Benefit Reduction:

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
 - 1. At the 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; or
 - 3. Because a family member has not complied with other welfare agency requirements.

Sporadic Income: Income that is neither reliable nor periodic.

Stalking: to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; to place under surveillance with the intent to kill, injure, harass or intimidate another person. In the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to that person; a member of the immediate family of that person; or the spouse or intimate partner of that person.

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR §5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial

assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

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

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

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

Total Tenant Payment (TTP):

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
- B. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act, which is the higher of:
 - 1. 30% of the family's monthly adjusted income;
 - 2. 10% of the family's monthly income; or
 - 3. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

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

- C. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
- D. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR §913.107, as it existed immediately before November 18, 1996, will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority 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. (24 CFR §5.603)

Utility Reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR §5.603)

Very Low-income Families: Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the areas if HUD finds 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 (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR §260.31).

45 CFR §260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR §261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

- A. Nonrecurrent, short-term benefits that:
 - 1. Are designed to deal with a specific crisis situation or episode of need;
 - 2. Are not intended to meet recurrent or ongoing needs; and

3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
 - C. Supportive services such as child care and transportation provided to families who are employed;
 - D. Refundable earned income tax credits;
 - E. Contributions to, and distributions from, Individual Development Accounts;
 - F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
 - G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

24.0 ACRONYMS

ACC	Annual Contributions Contract
ACOP	Admissions and Continued Occupancy Policy
CHD	Community Housing Division
CFR	Code of Federal Regulations
DVP	Disaster Voucher Program
EIV	Enterprise Income Verification (formerly known as UIV)
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
LEP	Limited English Proficiency
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWRA	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
SSD	Social Security Disability
SSI	Supplemental Security Income
TTP	Total Tenant Payment
VAWA	Violence Against Women Act

25.0 APPENDIX A GRIEVANCE PROCEDURE

25.1. *Applicability*

- A. The City of Glendale, Community Services Division (CHD) Grievance Procedure shall apply to all individual grievances including grievances pertaining to individuals with handicaps (Section 504 grievances) between the tenant and CHD. CHD may exclude from its procedure any grievance concerning an eviction based upon a tenant's creation or maintenance of a threat to the health or safety of other tenants or CHD employees.
- B. CHD Grievance Procedure shall not be applicable to disputes between tenants not involving CHD. The Grievance Procedure is not intended as a forum for initiating or negotiating policy changes between groups of tenants and CHD's Board of Commissioners.
- C. The Department of Housing and Urban Development (HUD) has determined that Arizona State Landlord/Tenant Law provides the necessary pre-eviction hearing and other elements of due process. Therefore, criminal activity evictions are excluded from this grievance process.

25.2. *Definition of Terms*

- A. "Grievance" shall mean any dispute that a tenant may have with respect to CHD action or failure to act in accordance with the individual tenant's lease, CHD regulations, which adversely affect the individual tenant's rights, duties, welfare, or status.
- B. "Complainant" shall mean any tenant whose grievance is presented to CHD in accordance with the requirements for filing a grievance.
- C. "Elements of Due Process" shall mean any eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - 1. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
 - 2. Opportunity for the tenant to examine all relevant documents, records and regulations of CHD prior to the trial for the purpose of preparing a defense;
 - 3. Right of the tenant to be represented by counsel;

4. Opportunity for the tenant to refute the evidence presented by CHD, including the right to cross-examine witnesses and to present any affirmative legal or equitable defense, which the tenant may have;
 5. A decision on the merits.
- D. "Hearing Officer" shall mean a person selected in accordance with the regulations to hear grievances and render a decision with respect thereto.
- E. "Tenant" shall mean any lessee, or the remaining head of the household, of any tenant family residing in housing accommodation covered by these regulations.

25.3. Informal Settlement of Grievance

Any grievance shall be personally presented, either orally or in writing, to CHD office, so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within ten (10) working days and one copy shall be given to the tenant and one retained in CHD tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

25.4. Procedure to Obtain a Hearing

- A. Request For Hearing. The complainant shall submit a written request for a hearing to CHD within ten (10) working days after receipt of the summary of discussion, as explained in Section III above. The written request shall specify:
1. The reasons for the grievance
 2. The action or relief sought
- B. Selection of Hearing Officer - grievances shall be presented before a hearing officer. CHD shall provide for the appointment of an impartial hearing officer who may be an employee or official of the City of Glendale who is not directly involved in the day-to-day administration of the Conventional Public Housing program.
- C. Failure to Request a Hearing - if the complainant does not request a hearing in accordance with this policy, then CHD's disposition of the grievance shall become final. Failure to request a hearing shall not constitute a waiver by the complainant of his right thereafter to contest CHD's action in disposing of the complaint in an appropriate judicial proceeding.

- D. Hearing Prerequisite - all grievances shall be personally presented either orally or in writing pursuant to the informal procedure prescribed in Section III as a condition precedent to a hearing under this section. If the complainant shows good cause why he failed to proceed in accordance with Section III to the hearing officer, the hearing officer may waive the provisions of this subsection.
- E. Escrow Deposit - before a hearing is scheduled in any grievance involving the amount of rent which CHD claims is due, the complainant shall pay to CHD an amount equal to the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer. These requirements may be waived by CHD in extenuating circumstances. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. Failure to make payment shall not constitute a waiver of any right the complainant may have to contest CHD's disposition of his grievance in any appropriate judicial proceeding.

If the grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for the escrow deposit is waived.

- F. Scheduling of Hearings - upon complainant's compliance with the provisions of this section, a hearing shall be scheduled by the hearing officer within ten (10) working days after receipt of the complainant's request for a time and place reasonably convenient to both the complainant and CHD. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the complainant and the hearing officer.
- G. When the Participant Does Not Appear

When an informal or formal hearing is scheduled and the participant has been notified of the date and time and does not attend the hearing or call to notify CHD of a problem, the decision will default on behalf of CHD.

If the participant provides proof of an emergency that precluded attendance at the hearing, at the discretion of CHD, the hearing may be rescheduled.

CHD will reschedule an informal hearing one time with reasonable cause. If the second scheduled hearing is not attended, the denial or termination will stand and the appeal period will expire.

25.5. Procedures Governing the Hearing

- A. The hearing shall be held before a hearing officer.
- B. The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which shall include:

1. The opportunity to examine, before the hearing and at the expense of the complainant, to copy all documents, records and regulations of CHD that are relevant to the hearing. Any document not so made available after request therefore by the complainant may not be relied on by CHD at the hearing;
2. CHD will be given the opportunity to examine, at CHD's offices before the hearing, any family documents that are directly relevant to the hearing. CHD will be allowed to copy any such document at CHD's expense. If the family does not make the document(s) available for examination on request of CHD, the family may not rely on the document at the hearing.

Note: The term **document** includes records and regulations.

3. The right to be represented by counsel or other person chosen as his or her representative;
 4. The right to a private hearing unless the complainant requests a public hearing;
 5. The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by CHD or project management, and to cross-examine all witnesses on whose testimony or information CHD or project management relies;
 6. A decision based solely and exclusively upon the facts presented at the hearing.
- C. The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.
- D. If the complainant or CHD fails to appear at a scheduled hearing, the hearing officer or hearing panel may make a determination to postpone the hearing for a period not to exceed five business days or may make a determination that the party has waived the right to a hearing. The hearing officer shall notify both the complainant and CHD of the determination. A determination that the complainant has waived the right to a hearing shall not constitute a waiver of any right the complainant may have to contest CHD's disposition of the grievance in an appropriate judicial proceeding.
- E. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter CHD must sustain the burden of justifying CHD action or failure to act against which the complaint is directed.
- F. The hearing shall be conducted informally by the hearing officer and oral or documentary evidence pertinent to the facts and issues raised by the

complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer shall require CHD, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

- G. The complainant or CHD may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

25.6. *Decision of the Hearing Officer*

- A. The hearing officer shall prepare a written decision together with the reasons therefore, within ten (10) working days after the hearing. A copy of the decision shall be sent to the complainant and CHD. CHD shall retain a copy of the decision in the tenant's file. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by CHD and made available for inspection by a prospective complainant, his representative, or the hearing officer.
- B. The decision of the hearing officer or hearing panel shall be binding on CHD which shall take all actions, or refrain from any actions, necessary to carry out the decision unless CHD determines within a reasonable time, and promptly notifies the complainant of its determination, that:
 - 1. The grievance does not concern CHD action or failure to act in accordance with or involving the complainant's lease on CHD regulations, which adversely affect the complainant's rights, duties, welfare, or status;
 - 2. The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and CHD.
- C. A decision by the hearing officer, in favor of CHD or which denies the relief requested by the complainant in whole or in part, shall not constitute a waiver of nor affect in any manner whatever any rights the complainant may have to a trial, or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

25.7. *Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status*

The participant family may request that CHD provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30

calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 calendar days of receipt of the INS appeal decision.

25.8. Eviction Actions

If a tenant has requested a hearing in accordance with the regulations on a complaint involving a CHD notice of termination of the tenancy and the hearing officer or hearing panel upholds CHD's action to terminate the tenancy, CHD shall not commence an eviction action in a State or local court until it has served a notice to vacate on the tenant, and in no event shall the notice to vacate be issued prior to the decision of the hearing officer or the hearing panel having been mailed or delivered to the complainant. Such notice to vacate must be in writing and specify that if the tenant fails to quit the premises within the applicable statutory period, or on the termination date stated in the Notice of Termination, whichever is later, appropriate action will be brought against him and he may be required to pay court costs and attorney fees.

25.9. Reasonable Accommodation

CHD shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

25.10. Discrimination Complaints

Nothing contained in this grievance procedure shall preclude a complainant from exercising their rights if the complainant believes he/she is being discriminated against on the basis of race, color, religion, sex, familial status, national origin, or handicap.