

STATEMENT OF POLICIES

GOVERNING ADMISSION TO
AND CONTINUED OCCUPANCY OF
HUD-AIDED LOW-INCOME HOUSING DEVELOPMENTS

OPERATED BY:
SOUTH PITTSBURG HOUSING AUTHORITY

WITH THE ASSISTANCE OF
THE UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

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This Admissions and Continued Occupancy Policy defines the PHA 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.

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SECTION I: DEFINITIONS

SECTION I

DEFINITION OF TERMS

1. **ADJUSTED INCOME.** Adjusted income is annual income of the members of the family residing or intending to reside in the dwelling unit after making the following deductions:
 - A. \$480 for each dependent;
 - B. \$400 for an elderly family; or disabled family;
 - C. The sum of the following, to the extent the sum exceeds three percent of annual income.
 - (1) Unreimbursed medical expenses of any elderly family or disabled family; (except that where all or part of the cost for prescription drugs is covered by the Medicare prescription drug discount or transitional assistance, neither the drug discount nor the transitional assistance may be considered a reimbursement for the purpose of calculating the medical expense deduction), and
 - (2) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, 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
 - D. Any reasonable childcare expenses, for children 12 years or younger, necessary to enable a member of the family to be employed or to further his or her education.
2. **ADULT:** A person who is 18 years of age or older or an emancipated minor.
3. **ALTERNATIVE NON-PUBLIC HOUSING RENT:** A monthly rent equal to the greater of
 - A. The applicable fair market rent.
 - B. The amount of the monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.
 - (1) For the Public Housing Capital Fund, the amount of Capital Funds provided to the unit will be calculated as the per unit Capital Fund assistance provided to a PHA for the development in which the family resides for the most recent fund year for which Capital Funds have been allocated;
 - (2) For the Public Housing Operating Fund, the amount of Operating Funds provided to the unit will be calculated as the per unit amount provided to the public housing project where the unit is located for the most recent funding year for which a final funding obligation determination has been made;

ANNUAL INCOME: Annual income is the anticipated total income from all sources received by the family head, co-head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets for the 12-month period following the effective date of the initial determination or reexamination of income, exclusive of certain types of income as provided in this document. Annual income includes, but is not limited to:

- A. The full amount (before any payroll deduction) of wages and salaries, including compensation for overtime and other compensation for personal services (such as commissions, fees, tips, and bonuses);
- B. Net Income from Operation of a Business or Profession
 - (1) Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income.
 - (2) 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.
 - (3) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by family;

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- C. Interest, Dividends and Net Income of any Kind from Real or Personal Property
 - (1) Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income.
 - (2) An allowance for depreciation is permitted only for straight-line depreciation.
 - (3) Any withdrawal of cash or assets from an investment will be included in income except to the extent the withdrawal is reimbursement of cash or assets invested by the family.
 - (4) Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
 - D. The full amount of periodic payments received from social security annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment except for supplemental security income (SSI) and social security benefits;
 - E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay;
 - F. Periodic and determinable allowances, such as alimony and child support payments, regular contributions or gifts received from persons not residing in the dwelling;
 - G. All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, co-head, spouse, or other persons whose dependents are residing in the unit. (Exception, the special pay to a family member in the Armed Forces who is exposed to hostile fire shall be excluded);
NOTE: If it is not feasible to anticipate the level of income over a 12-month period, the income for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.
 - H. Imputed welfare income as provided to the Authority by the welfare agency. The amount of imputed annual income will be offset by income from other sources received by the family that starts after the sanction is imposed.
4. **AUTOMATED CLIENT CERTIFICATION AND ELIGIBILITY NETWORK FOR TENNESSEE (ACCENT):** On-line system provided by the State of Tennessee Department of Human Services that tracks client benefits and other data.
5. **CHILD:** A member of the family, other than the family head, co-head or spouse who is under 18 years of age.
6. **CHILD CARE EXPENSES (REASONABLE):** Reasonable child care expenses are the amounts anticipated to be paid by the family for care of children 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 and necessary charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.
7. **CITIZEN:** A citizen or national of the United States.
8. **CO-HEAD (of Household):** An adult member of the family who is treated the same as a head of the household for purposes of determining income, eligibility, and rent.
9. **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.
10. **COVERED FAMILY:** Families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.
11. **COVERED PERSON:** A resident, any member of the resident's household, a guest or another person under the resident's control.

12. **CURRENTLY ENGAGING IN ILLEGAL DRUG USE:** Illegal drug use occurred recently enough to justify a reasonable belief that continuing illegal drug use by a household member is a real and ongoing problem.
13. **DEPENDENT:** A member of the family household (excluding foster children) other than family head, co-head, or spouse, who is under 18 years of age or is a disabled or handicapped person or is a full-time student.
14. **DISABLED FAMILY:** A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.
15. **DISALLOWANCE:** An exclusion from annual income.
16. **DISPLACED PERSON(S):** Individuals or families displaced by government 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.
17. **DOMESTIC VIOLENCE:** Includes felony or misdemeanor crimes of violence committed by a current or Former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating 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.
18. **DRUG:** A controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).
19. **DRUG ABUSE TREATMENT FACILITY:** An entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use and is either an identified unit within a general care facility or an entity other than a general medical care facility.
20. **DRUG-RELATED CRIMINAL ACTIVITY:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
21. **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.
22. **ELDERLY FAMILY:** A family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age. It may include 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.
23. **ELIGIBLE FAMILIES:** Low-income families who are eligible for admission to the public housing program.
24. **EMANCIPATED MINOR:** Emancipation is when a minor has achieved independence from his or her parents, such as by getting married before reaching age 18 or by becoming fully self-supporting. It is possible for a child to petition a court for emancipation to free the minor child from the control of parents and allow the minor to live on his/her own or under the control of others. It usually applies to adolescents who leave the parents' household by agreement or demand.
25. **ENTERPRISE INCOME VERIFICATION SYSTEM (EIV):** A HUD-provided Internet-based wage and benefit tool that allows PHAs to validate the accuracy of tenant-reported income from an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

26. EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS: The documents which must be submitted to evidence citizenship or eligible immigration status.

27. EXCLUSIONS FROM INCOME:

- 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 individuals 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 property losses (see Section I).
- 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, as defined in this Section.
- F. The full amount of student financial assistance paid directly to the student or to the educational institution including any financial assistance received for mandatory fees and charges (in addition to tuition), except for athletic scholarships that include assistance for housing cost. The housing cost portion of the scholarship is included as income.
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. Amounts received under training programs funded by HUD; Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or
- I. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, reasonable child care, etc.) and which are made solely to allow participation in a specific program;
- J. A resident service stipend in a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the Public Housing Agency (PHA), on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board (where allowed under State law). No resident may receive more than one such stipend during the same period of time;
- K. Compensation from state or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the PHA;
- L. Temporary, nonrecurring or sporadic income (including gifts); or
- M. For all initial determinations and reexaminations of income carried out on or after April 23, 1993, reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi Era;
- N. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household, co-head and spouse);
- O. Adoption assistance payments in excess of \$480 per adopted child;
- P. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
- Q. 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;
- R. Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- S. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the U.S. Housing Act of 1937. A notice will be published in the Federal Register and distributed to PHAs identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.
- T. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

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- U. Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044 (f)(1), 5058);
- V. Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626 (c));
- W. 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);
- X. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- Y. Payments received from the Job Training Partnership Act (29 U.S.C. 1552 (b));
- Z. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Public L. 94-540, Section 6):
- AA. The first \$2,000 of per capita share received from judgment funds awarded by the Indian Claims Commission or the Court of Claims, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407):
- BB. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if that individual is over the age of 23 with dependent children (Pub. L. 109-115, section 327) (as amended):
- CC. Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 (f));
- DD. Payments received after January 1, 1989, from the Agent Orange Settlement Fund (Pub L. 101-201) or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.) PUB. L.101-201 and 101-39):
- EE. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420 25 U.S.C. 1721):
- FF. The value of any reasonable child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990. (42 U.S.C. 9858q);
- GG. Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, Title V of the Housing Act of 1949, Section 101 of the Housing and Urban Development Act of 1965, and Sections 221 (d)(3), 235 and 236 of the National Housing Act (26 U.S.C. 32(l)).
- HH. 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);
- II. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- JJ. 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(c));
- KK. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2)).
- LL. Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
- MM. Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));
- NN. Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437A) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289);

- OO. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the NAHASDA and administered by the Office of Native American Programs; and
- PP. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F. Supp. 2d 10 (Oct. 5, 2011 D.D.C.), as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291); and
- QQ. Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).
- RR. Income due to the following conditions is excluded:
 - (1) annual income increases as a result of the employment of a family member who was unemployed for one or more years previous to employment;
 - (2) annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program,
 - (3) income increases as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance provided that the total amount over a six-month period is at least \$500.
 - (4) This income exclusion applies for a maximum of twenty-four (24) months from the initial exclusion as follows:
 - (a) Once a family member is determined to be eligible for the EID, the 24–calendar month period starts;
 - (b) If the family member discontinues the employment that initially qualified the family for the EID, the 24–calendar month period continues;
 - (c) During the 24–calendar month period, EID benefits are recalculated based on changes to family member income and employment (no change from current practice);
 - (d) During the first 12–calendar month period, a PHA must exclude all increased income resulting from the qualifying employment of the family member. After the first 12–calendar month period, the PHA must exclude from annual income of the family at least 50 percent of any increase in income of such family member as a result of employment over the family member’s income before the qualifying event (i.e., the family member’s baseline income);
 - (e) The EID benefit is limited to a lifetime 24-month period for the qualifying family member;
 - (f) At the end of the 24 months, the EID ends regardless of how many months were “used.”
- SS. Under the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108-173), any assistance or benefit received from the Medicare Prescription Discount Card or the Transitional Assistance Program must be excluded from annual income for the purpose of calculating rent or assistance.
- TT. Guardianship care payments available to children exiting the juvenile court system including Kinship Guardian Assistance Payments (Kin-GAP).

28. EXTREMELY LOW-INCOME FAMILY: Very low-income families whose incomes do not exceed the higher of the Federal poverty level or 30 percent of Area Median Income.

29. FAMILIAL STATUS:

Those protected under the familial status class are those who:

- A. Have a child under the age of 18 living with them (can be a natural child or a child over whom they have secured legal custody)
- B. Persons in the process of securing custody of children, such as adoption and
- C. Pregnant Women

30. FAMILY:

Family includes but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status;

- A. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- B. A group of persons residing together, who have evidenced a stable family relationship for a minimum of six months as evidenced by previous rental history, and such group includes, but is not limited to:
 - (1) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (2) An elderly family;
 - (3) A near-elderly family;
 - (4) A disabled family;
 - (5) A displaced family; and
 - (6) The remaining member of a tenant family (for continued occupancy only), provided legal age for contractual purposes has been attained and other Occupancy Standards met.

31. FULL-TIME STUDENT: A person who is attending school or vocational training on a full-time basis. This definition includes "vocational training" which does not require that the training be a certificate program.

32. HANDICAPPED ASSISTANCE EXPENSES: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a handicapped or disabled family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

33. HANDICAPPED PERSON: Any person having a physical or mental impairment which (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 nature that such ability could be improved by more suitable housing conditions. NOTE: All three conditions must be met. (See Section II, Paragraph 5.b.(6)).

34. HATE CRIMES: Actual or threatened physical violence or intimidation directed against a person or his/her property and is based on the person's race, religion, ethnicity, nationality, gender, sexual orientation, gender identity, disability or family status.

35. HEAD OF HOUSEHOLD: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. The head of household must be of legal age or an emancipated minor under state law. The head of household is the person who is held responsible and accountable for the family.

36. HOUSEHOLD: The family and any PHA-approved live-in aide.

37. 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.

38. INFANT: A child under two years of age.

39. INTERNAL REVENUE SERVICE LETTER 1722: An IRS Letter 1722, also known as a tax account listing, provides information including: applicants'/tenants' filing status, exemptions claimed, adjusted gross income, taxable income, and taxes paid.

40. INVOLUNTARY DISPLACEMENT: An applicant who is or will be involuntarily displaced if he or she has vacated or will have to vacate his or her housing unit as a result of one or more of the following actions and is not living in standard, permanent replacement housing:

- A. A disaster, such as fire or flood, that results in the inhabitability of an applicant's unit; or,
- B. Activity carried on by an agency of the United States, state or local government body in connection with a public improvement; or,

- C. Action by a housing owner that results in an applicant's having to vacate his or her unit where:
 - (1) The reason for the owner's action is beyond an applicant's ability to control or prevent;
 - (2) The action occurs despite an applicant's having met all previously imposed conditions of occupancy; and,
 - (3) The action taken is other than rent increase; or,
 - D. Displacement by domestic violence where:
 - (1) The applicant has vacated his or her housing unit as a result of recent or continuing threats or actual physical violence directed against the applicant by one or more members of the applicant's household, including spouse or co-head; or,
 - (2) The applicant certifies that the person who engaged in such violence will not reside with the applicant family unless advanced written approval has been given by the PHA. The PHA may terminate assistance to the family for breach of the certification.
 - E. Displacement to avoid reprisals where:
 - (1) Family members provided information on criminal activity to a law enforcement agency; and,
 - (2) The law enforcement agency recommends rehousing the family to avoid or minimize the risk of violence against the family as reprisal with appropriate safeguards to conceal the family identify; or,
 - F. Displacement by hate crimes where:
 - (1) The threatened physical violence or intimidation occurred recently or is of a continuing nature, and,
 - (2) The applicant has vacated a housing unit because of crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit (see Hate Crimes definition); or
 - G. Displacement by inaccessibility of the applicant's present unit where:
 - (1) The family member has a mobility or other impairment that does not enable the person to use certain critical elements of the unit, and,
 - (2) The owner is not legally obligated, or willing, to make changes to the critical elements necessary to provide reasonable accommodations to the disabled person; or
 - H. Displacement due to HUD multifamily project disposition activities under Section 203 of the Housing and Community Development Amendments of 1978.
- 41. LIVE-IN AIDE:** One specified adult, with prior approval of the PHA, who resides with an elderly, disabled, handicapped person or persons and who:
- A. Is determined by the PHA to be essential to the care and well-being of the person(s),
 - B. Is not obligated for support of the person(s) and;
 - C. Would not be living in the unit except to provide necessary supportive services. (See this Section. for treatment of a live-in aide's income.)
- 42. LOW INCOME FAMILY:** A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its findings that such variations are necessary because of unusually high or low family incomes.
- 43. MEDICAL EXPENSES:** Those medical expenses, including medical insurance premiums, which are anticipated during the period for which annual income is computed, and that are not covered by insurance.
- 44. MIXED FAMILY:** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
- 45. 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.

46. **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.
47. **NEAR ELDERLY:** A family whose head (including co-head), spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
48. **NET FAMILY ASSETS:** Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investments, 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. (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 shall be counted when determining annual income under Section 913.106). In determining net family assets, PHAs 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 of 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 there for. 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.
49. **NONCITIZEN:** A person who is neither a citizen nor national of the United States.
50. **NON-PUBLIC HOUSING OVER-INCOME FAMILY:** A family whose income exceeds the over-income limit for 24 consecutive months and is paying the alternative non-public housing rent.
51. **OVER-INCOME FAMILIES:** A family whose annual income exceeds the limit for a low-income family at the time of initial occupancy.
52. **OVER-INCOME LIMIT:** The over-income limit is determined by multiplying the applicable income limit for a very low-income family by a factor of 2.4
53. **PERSON WITH DISABILITIES:** Means 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
 - (4) Has a developmental disability as defined in 42 U.S.C. 6001.
 - C. Does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
 - 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; and
 - E. Means "handicapped person," as defined in this document, for purposes of reasonable accommodation and program accessibility for persons with disabilities.
54. **PREMISES:** The building or complex in which the public housing dwelling unit is located, including common areas and grounds.
55. **PREVIOUSLY UNEMPLOYED:** A person who has earned, in the twelve 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 prevailing in the jurisdiction.

- 56. PUBLIC HOUSING AGENCY:** HUD has removed the acronym "HA". The currently recognized terminology to refer to a housing agency is "Public Housing Agency" or "PHA". Reference is also made herein to "PHA" which refers to the specific housing authority administering this policy.
- 57. RENT BURDEN:** For purposes of determining whether an applicant qualifies for rent burden preference, if applicable, as paying more than 50 percent of family income for rent, the following applies:
- A. Rent is the actual monthly amount due under a lease or occupancy agreement plus:
 - (1) Either the utility allowance for family-purchased utilities and services of the PHA's tenant-based program, providing the PHA administers such program, or
 - (2) By family choice, should such choice be available, the average monthly payments actually made for these utilities and services for the most recent 12-month period. Should this information not be obtainable for the entire period, a shorter time period may be averaged as appropriate.
 - B. Amounts paid to or on behalf of the family under any energy assistance program may not be included in the rental amount due.
 - C. The applicant does not qualify for a rent burden preference if either of the following applies:
 - (1) The applicant has been paying more than 50 percent of family income for rent for less than 90 days, or
 - (2) The applicant family is paying more than 50 percent of family income because of the applicant's termination from any HUD funded housing program because of their refusal to comply with program policies and procedures on the occupancy of under or over occupied units.
- 58. RESIDENCY PREFERENCE:** A preference for admission of persons who reside in a specified geographic area.
- 59. RESIDENT SERVICE STIPENDS:** A modest amount (i.e., \$200 or less per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the assisted housing development.
- 60. RESPONSIBLE ENTITY:** For Public Housing, Section 8- tenant-based assistance, project-based certificate assistance and the moderate rehabilitation program: the PHA administering the program under an ACC with HUD. For all other Section 8 programs: See Section 8 Owner.
- 61. SERVICE REQUIREMENT:** The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic-self sufficiency program.
- 62. SPECIFIED WELFARE BENEFIT REDUCTION:** 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 for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
- A. at expiration of a lifetime or other time limit on the payment of welfare benefits;
 - B. 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
 - C. because a family member has not complied with other welfare agency requirements.
- 63. SPOUSE:** The husband or wife of the head of household.
- 64. STATE WAGE INFORMATION COLLECTION AGENCIES (SWICA):** often a part of a state's Department of Labor, SWICAs can disclose wage information, and whether an individual is receiving, has received, or has made application for, unemployment compensation. In some states, information on disabilities-including the amount of any disability compensation being received or to be received can also be disclosed.

65. SUBSTANDARD HOUSING:

A. A housing unit is substandard if it:

- (1) Is dilapidated if it:
 - (a) does not provide safe and adequate shelter and it endangers the health, safety or well-being of a family; or,
 - (b) has one or more critical defects; or,
 - (c) has a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding whether built-in or from neglect, lack of repair or serious damage.
- (2) does not have operable indoor plumbing, a usable flush toilet inside the unit for the exclusive use of a family, or a usable bathtub or shower inside the unit for the exclusive use of a family;
- (3) does not have electricity or has inadequate or unsafe electrical service;
- (4) does not have a safe or adequate heat source;
- (5) should have but does not have a kitchen; or,
- (6) has been declared unfit for habitation by an agency of government.

NOTE: A Single Room Occupancy (SRO) housing unit is not considered substandard solely because it does not contain separate sanitary and food preparation facilities.

B. For the purpose of this definition, "Homeless Families" are living in substandard housing if the individual or family:

- (1) Lacks a fixed, regular and adequate nighttime residence and;
- (2) Has a primary residence that is:
 - (a) A supervised publicly or privately-operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing; or,
 - (b) An institution where an individual resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
 - (c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

NOTE: A "Homeless Family" does not include any individual imprisoned or otherwise detained pursuant to an act of the Congress or state law.

66. TENANT ASSESSMENT SUBSYSTEM (TASS): A HUD-provided Internet-based benefit tool, TASS matches Social Security and Supplemental Security Income to comparable tenant data from PIC and TRACS databases.

67. TENANT RENT: The amount payable monthly by the family as rent to the unit owner.

68. TOTAL TENANT PAYMENT (TTP). The total tenant payment for all families shall be the highest of the following amounts rounded to the nearest dollar;

- A. 30 percent of the family's monthly adjusted income;
- B. 10 percent of the family's monthly income;
- 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.
- D. The minimum rent, as determined in accordance with § 5.630;
- E. The alternative non-public housing rent, as determined in accordance with 24 CFR 960.102.

NOTE: The amount calculated under this section for Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges as posted.

69. TUITION: Tuition is the amount of money charged to students for instructional services which may be charged per term, per course, or per credit. The Department of Education further defines tuition and fees as the amount of tuition and required fees covering a full academic year most frequently charged to students. These values represent what a typical student would be charged and may not be the same for all students at an

institution. If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an entire academic year is used to estimate average tuition. Required fees include all fixed sum charges that are required of a large proportion of all students. The student who does not pay the charges is an exception. Examples of required fees include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program). Expenses related to attending an institution of higher education must not be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

- 70. UNREIMBURSED MEDICAL EXPENSES:** (formerly Handicapped Assistance Expense): Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a handicapped or disabled family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.
- 71. UPFRONT INCOME VERIFICATION (UIV):** A report generated utilizing the HUD EIV system, to compare tenant information to HUD-compiled information before or during a tenant's re-examination. This provides information about those households where the actual income level fails to match that which was projected during the annual recertification process.
- 72. UTILITY ALLOWANCE:** An amount equal to the estimated usage of utilities as approved by the PHA, 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 will be provided to the tenant.
- 73. UTILITY REIMBURSEMENT:** The amount, if any, by which the tenant-paid utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. Any payment under this section may be made payable jointly either to the tenant or by the Authority directly to the utility company on behalf of the tenant. Where the Authority makes the payment directly to the utility supplier, the Authority will notify the tenant of the amount paid.
- 74. VERY LOW-INCOME FAMILY:** A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its findings that such variations are necessary because of unusually high or low family incomes.
- 75. VIOLENCE AGAINST WOMEN ACT (VAWA):** refers to the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 13925 and 42 U.S. 14043e)
- 76. VIOLENT CRIMINAL ACTIVITY:** Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.
- 77. WELFARE ASSISTANCE:** Income assistance from Federal or State welfare programs and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance does not include:
- A. Non-recurrent, 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;

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- E. Contributions to, and distributions from, Individual Development Accounts under TANF;
- F. Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support;
- G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to Section 404(k) of the Social Security Act, to an individual who is not otherwise receiving assistance;
- H. Amounts solely directed to meeting housing expenses;
- I. Amounts for health care;
- J. Food stamps and emergency rental and utilities assistance; and;
- K. SSI, SSDI, or Social Security.

78. WORK NUMBER, THE: An automated service that provides controlled access to a national database of almost 40 million employment and income records. The Work Number can provide quick and accurate employment and wage information.

79. WORK OR WORKING: Where the PHA has a working preference, work is defined as follows: Where the head, co-head, spouse or sole member is employed by a third party for at least the minimum wage for a minimum of 30 hours per week or the equivalent of 1560 hours per year at minimum wage.

**SECTION II:
ADMISSIONS POLICY**

SECTION II ADMISSION POLICY

1. FAIR HOUSING AND EQUAL OPPORTUNITY

- A. It is the policy of the PHA 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.
- B. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, sexual orientation or gender identity or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the PHA programs.
- C. The PHA will assist any family that believes they have suffered illegal discrimination by providing the family copies of the appropriate housing discrimination forms. The PHA 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. REASONABLE ACCOMMODATION

- A. This policy clarifies how people can request accommodations and the guidelines the PHA will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the PHA will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations. Examples of reasonable accommodations would include:
 - (1) Offering a unit that has been modified for use by someone in a wheelchair to an applicant that needs this type of unit or making minor modifications to other units to make them accessible;
 - (2) Installing strobe type flashing light smoke detectors in apartments for a family with a hearing-impaired member;
 - (3) Permitting a family to have a support animal necessary to assist a family member with a disability;
 - (4) Making large type documents or a reader available to a vision-impaired applicant or a sign language interpreter available during the application process;
 - (5) Permitting an outside agency to assist an applicant with a disability to meet our applicant screening criteria and/or assist with other responsibilities required by our lease;
 - (6) Allowing a resident to make a physical change to their apartment at their own expense if it does not violate codes or affect the structural integrity of the unit.
- B. An applicant family that has a member with a disability must still be able to meet essential obligations of tenancy which include being able to: 1) pay rent, 2) care for their apartment, 3) report required information to the PHA, 4) avoid disturbing their neighbors, etc. There is no requirement that they be able to do these things without assistance from a family member or an outside agency.
- C. If an applicant, resident or a member of the household has a disability, they may request a reasonable accommodation at the application process or after admission. The PHA will provide a form to use to request a reasonable accommodation and assist with completing the form if requested. The PHA may require documentation that the requested accommodation is needed due to the disability. The PHA will not inquire as to the nature of the disability.
- D. Anyone requesting an application will also receive a copy of the Reasonable Accommodation Policy.
- E. All decisions granting or denying requests for reasonable accommodations will be in writing.

- F. Generally, the individual knows best what it is they need; however, the PHA retains the right to be shown how the requested accommodation enables the individual to access or use the PHA's programs or services.
- G. If more than one accommodation is equally effective in providing access to the PHA programs and services, the PHA retains the right to select the most efficient or economic choice.
- H. The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the PHA.

3. SERVICES FOR NON-ENGLISH-SPEAKING APPLICANTS AND RESIDENTS

- A. The PHA will comply with its Limited English Proficiency Policy and Language Assistance Plan to assist non-English speaking residents, applicants and the general public.

4. RECEIPT OF APPLICATION

- A. Prior to the admission of each family as a resident, a written application signed by a responsible member of the family shall be obtained. The application shall contain all information necessary for the PHA to determine whether the family meets eligibility requirements.
- B. Each application for admission shall indicate:
 - (1) the date and time of receipt;
 - (2) the determination of the PHA as to eligibility or ineligibility of the applicant and where eligible, the unit size for which eligible;
 - (3) the date of the assignment to the dwelling unit and the identification of the unit to which assigned; and,
 - (4) where applicable, the applicant's rejection of a dwelling unit and identification of the unit offered.

5. VERIFICATION POLICY

- A. It is imperative to verify all claims made by each applicant/resident so that proper determinations can be made of eligibility, rent and unit size. Complete and accurate documentation of all data must be maintained at all times. The current status of all information, including any priority selection, must be verified immediately prior to admission.
- B. The documentation required, but not limited to, includes:
 - (1) Authoritative written information from all sources concerning income, exclusions, and deductions. Income shall be verified by the source from which it is derived; expenses shall be verified by the recipients of such payments.
 - (2) Reproductions or carbon copies of documents which substantiate the applicant's/resident's claims or a brief summary of pertinent contents. The summaries shall be signed and dated by the staff member who examined them.
 - (3) Notarized financial statements showing all income, itemized expenses (costs of business expansion, and amortization of capital indebtedness are not allowed) and net income of every self-employed person.
 - (4) Written records of all data obtained by telephone, personal interview, home visits or other means, showing source of information.
 - (5) Birth certificates, driver's license, etc., to support claims of age in the absence of other supportive data.
 - (6) Social Security disability award letters, pensions and Social Security certification of total and permanent disability or doctor's certification that all conditions of disability or handicap, as prescribed by the Social Security definitions, are present to support any claim of disability or handicap.
 - (7) Bank statements, bank books, stock certificates and copies of tax returns on real estate, and registers of bonds to support any claims of income.
 - (8) Written records of all rent determinations and the methods used in making such determinations.

- (9) Verification of any preference will be made prior to any admission for which this priority was considered.
 - (10) Verification of Social Security numbers for all family members.
 - (11) Verification of citizenship or eligible immigration status in accordance with the Immigration and Naturalization Service procedures.
 - (12) Verification of enrollment in Families First Program.
 - (13) Medicare approved discount drug card bearing the words "Medicare Approved."
 - (14) For residents receiving discounted prescription drugs through the Medicare Prescription Discount Card or transitional assistance, copies of receipts or statements from a pharmacy indicating the pre-discount and after-discount cost of each prescription. Where information cannot be obtained from either the resident or the pharmacy to confirm the cost savings, the PHA will use an imputed value of \$48.17 per prescription as a substitute for the actual discount price.
 - (15) For full-time college students who are applying for admission as a non-parental/guardian household (college student as head of household), the following additional verification is required:
 - (a) A written and signed certification that the student does or does not anticipate receiving financial support from his/her parent(s) or guardian(s) and the amount of the support to be provided.
 - (b) The college student must provide documentation acceptable to the PHA that he/she has established a household separate from his/her parent(s) or legal guardian(s) for at least one year prior to applying for admission to public housing.
 - (c) A copy of the college student's tax return for the prior year indicating that the student's parents cannot claim him/her on their tax return.
 - (d) A copy of the parent(s) or guardian(s) tax return or a certified statement from the parents(s) or guardian(s) indicating that the student is not claimed on the parent(s) or guardian(s) income tax return for the most recent filing year.
 - (e) If the college student receives an athletic scholarship that includes a specific amount available for housing cost, or, one that allows for a portion of the cost to be used towards housing cost, the student must provide a copy of the financial aid statement from the college or university he/she will be attending that specifically indicates the amount of the scholarship applicable for housing cost.
- C. As a condition of admission to or continued assistance under the program, the PHA shall require the family head and such other family members as the PHA designates, to execute a consent form authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determines to be necessary.
- D. As a condition of admission to or continued assistance under the program, applicants/residents reporting zero income will be required to complete a family expense form to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.

6. THE UPFRONT INCOME VERIFICATION PROCESS (UIV):

The PHA will provide a copy of this policy to all applicants and to all residents during the re-examination process.

- A. The PHA will use all available information sources to verify income information provided by the applicant/tenant. These sources may include, but are not limited to, the following:
- (1) HUD's Enterprise Income Verification System (EIV). See Section I – Definitions.
 - (2) HUD's Tenant Assessment Subsystem (TASS). See Section I - Definitions.
 - (3) The State of Tennessee's Automated Client Certification and Eligibility Network for Tennessee (ACCENT). See Section I-Definitions.
 - (4) National Credit Bureau Information Credit Reports.
 - (5) Private Sector databases such as The Work Number. See Section I – Definitions.
 - (6) Internal Revenue Service – Letter 1722. See Section I – Definitions.

B. Third Party Verification

- (1) The Verification Hierarchy: The PHA will begin the verification process with the highest level of verification techniques. The PHA is required to access the EIV system and obtain an Income Report for each household. If the Income Report does not contain any employment and income information for the family, the PHA will attempt the next lower-level verification technique, as noted in the below chart.

Level	Verification Technique	Ranking
6	Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants).	Highest (Mandatory)
5	Upfront Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written Third Party Verification	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute).
3	Written Third Party Verification Form	Medium-Low (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation.
2	Oral Third-Party Verification	Low (Mandatory if written third party verification is not available)
1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third-party verification)

This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not available for verifying income of applicants.

C. Verification Technique Definitions

- (1) Upfront Income Verification (UIV) (Level 6/5): The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.
- (2) Written Third Party Verification (Level 4): An original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or the PHA request date. Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents. Such tenant-provided documents are written third party verification since these documents originated from a third-party source. The PHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.
- (3) The PHA is required to obtain, at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the PHA will project income based on the information from a traditional written third-party verification form or the best available information.
- (4) Documents older than 60 days (from the PHA interview/determination or request date) are acceptable for confirming effective dates of income.
- (5) Written Third Party Verification Form (Level 3): Also, known as traditional third-party verification. A standardized form to collect information from a third-party source. The form is completed by the third party by hand (in writing or typeset). The PHA will send the form directly to the third-party source by mail, fax, or email.

- (6) Oral Third-Party Verification (Level 2): Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. PHA staff will document in the tenant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the confirmed information. This verification method is commonly used in the event that the independent source does not respond to the PHA's faxed, mailed, or e- mailed request for information in a reasonable time frame, i.e., ten (10) business days.
- (7) Non-Third-Party Verification Technique Tenant Declaration (Level 1): The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method will be used only as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on tenant declaration, the PHA will document in the tenant file why third-party verification was not available.

D. Circumstances Requiring Written Third-Party Verification

- (1) The PHA must request written third-party verification under the following circumstances:
 - (a) When the tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute;
 - (b) When the PHA requires additional information that is not available in EIV and /or the tenant is unable to provide the PHA with current acceptable tenant-provided documentation. Examples of additional information includes but is not limited to:
 - i. Effective dates of income (i.e., employment, unemployment compensation, or social security benefits)
 - ii. For new employment: pay rate, number of hours worked per week, pay frequency, etc.
 - iii. Confirmation of change in circumstances (i.e., reduced hours, reduced rate of pay, temporary leave of absence, etc.)

E. Third Party Verification Requirement for Social Security Benefits:

- (1) An SSA benefit verification letter (dated within the last 60 days of the PHA request date for information or within the PHA-tenant interview date) provided by the family or an EIV Income Report which displays the current social security benefit amount is considered third party verification. No additional verification is required by the PHA.

F. Third Party Verification of SS/SSI Benefits of Applicants and Household Members:

- (1) The PHA will request applicants to provide a copy of their SS and/or SSI benefit letter, dated within the last 60 calendar days, for each household member that receives SS and/or SSI benefits.
- (2) The PHA will obtain the original SSA benefit letter from the individual, make a photocopy of the document for the PHA file and return the original document to the individual. The PHA will use the listed gross benefit amount to calculate annual income from social security benefits.

G. Third Party Verification of SS/SSI Benefits of Participants and Household Members:

- (1) The PHA is required to use EIV to verify SS/SSI benefits of current participants and household members.
- (2) The PHA is required to print the EIV Income Report and confirm with the tenant that the current listed benefit amount is correct. If the tenant agrees with the current EIV reported amount, the PHA will use the gross benefit amount to calculate annual income from social security benefits.
- (3) If the tenant disputes the EIV-reported benefit amount, the PHA is required to request the tenant to provide a current (dated within the last 60 calendar days) SSA benefit letter. If the tenant is unable to provide the requested document, or if benefit information is not available in the EIV system, the PHA will utilize the process described in Third Party Verification of SS/SSI Benefits of Applicants and Household Members.
- (4) Photocopies of social security checks or bank statements are not acceptable forms of verification for SS/SSI benefits.

H. Treatment of SSA Overpayment Deductions from Social Security Benefits:

- (1) SSA Overpayment Deductions. An overpayment occurs when SSA pays an individual more than he/she should have been paid. If this happens, SSA will notify the individual and his/her designated representative payee, if applicable. Recovery of an overpayment is made by withholding the monthly Social Security check until the overpayment is paid in full (individuals receiving SS benefits) unless the individual requests a lesser withholding amount and SSA approves the request. Full withholding would start 30 days after SSA notification of the overpayment. SSA begins deducting money (for overpayment recovery) from SSI payments at least 60 days after SSA notification of the overpayment. Generally, SSA will withhold 10 percent of the maximum federal SSI benefit rate each month. However, an individual may request that less be taken from their benefit, or an individual may ask to pay back the overpayment at a rate greater than 10 percent.
- (2) Regardless of the amount withheld to repay the SSA an overpayment amount, or the length of the anticipated withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount. The PHA will verify the SSA-determined overpayment amount and length of time the reduced payment will occur, to ensure the family's accurate rent contribution for the duration of reduced income.

I. File Documentation Required to Demonstrate PHA Compliance with Mandated Use of EIV:

- (1) For each *new admission* (form HUD-50058 action type 1), the PHA is required to do the following:
 - (a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - (b) Print and maintain a copy of the EIV Income Report in the tenant file; and
 - (c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- (2) For each *historical adjustment* (form HUD-50058 action type 14), the PHA is required to do the following:
 - (a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - (b) Print and maintain a copy of the EIV Income Report in the tenant file; and
 - (c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- (3) For each *interim reexamination* (form HUD-50058 action type 3) of family income and composition, the PHA is required to have the following documentation in the tenant file:
 - (a) ICN Page when there is no household income discrepancy noted on the household's Summary Report tab or Summary Report.
 - (b) EIV Income Report when there is an income discrepancy noted on the household's Summary Report tab or Summary Report.
- (4) For each *annual reexamination* of family income and composition, the PHA is required to have the following documentation in the tenant file:
 - (a) No Dispute of EIV Information: EIV Income Report, current acceptable tenant-provided documentation, and if necessary, as determined by the PHA, traditional third-party verification form(s).
 - (b) Disputed EIV Information: EIV Income report, current acceptable tenant provided documentation, and/or traditional third-party verification form(s) for disputed information.
 - (c) Tenant-reported income not verifiable through EIV system: Current tenant-provided documents, and if necessary, as determined by the PHA, traditional third-party verification form(s).

J. Tenant Repayment Agreement.

- (1) Tenants are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA must terminate the family's tenancy.
- (2) All repayment agreements must be in writing, dated, signed by both the tenant and the PHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- (a) Reference to the paragraphs in the Public Housing lease whereby the tenant is in non-compliance and may be subject to termination of tenancy.
 - (b) The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
 - (c) The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
 - (d) Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.
- (3) The PHA will determine the retroactive rent amount as far back as the PHA has documentation of family reported income. The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income.
- However, in no instance shall the monthly repayment amount be less than one-twelfth of the total retroactive rent unless otherwise approved by the Executive Director on a case-by-case basis.

K. Security of EIV Data

- (1) The data in EIV contains personal information on individual tenants which is protected under the Federal Privacy Act. The information in EIV may only be used for limited official purposes, as noted below.
- (a) PHAs, in connection with the administration of PIH programs, for verifying the employment and income at the time of interim and annual reexaminations.
 - (b) HUD staff for monitoring and oversight of PHA compliance with HUD program requirements.
 - (c) Independent Auditors hired by the PHA or HUD to perform a financial audit for use in determining the PHA's compliance with HUD program requirements, including verifying income and determining the accuracy of the rent and subsidy calculations.
- (2) Restrictions on disclosure requirements for Independent Auditors:
- (a) May only access EIV income information within family files and only within the offices of the PHA or PHA-hired management agent;
 - (b) May not transmit or transport EIV income information in any form;
 - (c) May not enter EIV income information on any portable media;
 - (d) Must sign non-disclosure oaths that the EIV income information will be used only for the purpose of the audit; and
 - (e) May not duplicate EIV income information or re-disclose EIV income information to any user not authorized by Section 435(j)(7) of the Social Security Act to have access to the EIV income data.
- (3) The PHA will compare the documents submitted by the applicant/tenant to the information it receives from the income verification sources to determine the accuracy of the information reported by the applicant/tenant. Information that may be verified includes, but is not limited to:
- (a) Gross wages and salaries.
 - (b) Unemployment compensation.
 - (c) Welfare benefits.
 - (d) Social Security benefits including:
 - (e) Social Security
 - (f) Supplemental Security Income (SSI)
 - (g) Child support.
 - (h) Pensions.
- (4) Utilizing the HUD EIV system, the PHA will generate a report to compare tenant information to HUD-compiled information before or during a family's re-examination. This report, called the Summary Report, provides information about those households where the actual income level fails to match that which was projected during the annual recertification process.

L. Use of The EIV System in Its Entirety Is Mandatory Especially for All Re-Examinations And Recertifications.

- (1) The PHA is required to compare the information on the EIV report with the family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference in the reported income information, the PHA is required to take the following actions: (*A substantial difference is defined as an amount equal to or greater than \$2,400, annually*).
 - (a) Discuss the income discrepancy with the tenant; and
 - (b) Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
 - (c) In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the PHA is required to request from the third-party source, any information necessary to resolve the income discrepancy; and
 - (d) If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively; and
 - (e) Take any other appropriate actions.
- (2) The tenant must be provided an opportunity to contest the PHA's determination of tenant rent underpayment. The PHA will promptly notify tenants in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The tenant may contest the findings in accordance with the PHA's established grievance procedures. The PHA will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period.
- (3) When there is an unsubstantial or no disparity between tenant-reported and EIV-reported income information, the PHA is required to obtain from the tenant any necessary documentation to complete the income determination process. The PHA may reject any tenant-provided documentation, if the PHA deems the documentation unacceptable. The PHA may reject documentation provided by the tenant for only the following reasons:
 - (a) The document is not an original; or
 - (b) The original document has been altered, mutilated, or is not legible; or
 - (c) The document appears to be a forged document (i.e., does not appear to be authentic).
- (4) The PHA should explain to the tenant the reason(s) the submitted documents are not acceptable and request the tenant to provide additional documentation. If at any time, the tenant is unable to provide acceptable documentation that the PHA deems necessary to complete the income determination process, the PHA is required to submit a traditional third-party verification form to the third-party source for completion and submission to the PHA.
- (5) If the third-party source does not respond to the PHA's request for information, the PHA is required to document the tenant file of its attempt to obtain third party verification and that no response to the third-party verification request was received.
- (6) The PHA should then pursue lower-level verifications in accordance with the verification hierarchy.

M. CONFIDENTIALITY OF EIV DATA:

- (1) Due to the sensitive nature of income data, the PHA will restrict access to the information. Safeguards to protect confidentiality of participant income data include the following:
 - (a) The Executive Director of the PHA will determine which employees need access to EIV data and the level of access each user needs to the EIV system. Access will be restricted to employees who have a recognized need to know for valid administrative reasons in the operation of the public housing program.
 - (b) User agreements must be signed by all authorized PHA users.
 - (c) Verification documents are kept in the applicant/tenant file, when needed, and destroyed when no longer needed.
 - (d) Tenant files are kept in locking file cabinets in a secure work area and are locked at the end of each workday.
 - (e) Move-out files are shredded when no longer needed.
 - (f) Training for the staff is provided.

7. ELIGIBILITY FOR ADMISSION

A. Eligibility Requirements:

- (1) There are five eligibility requirements for admission to public housing:
 - (a) qualifies as a family,
 - (b) has an income within the income limits,
 - (c) meets citizenship/eligible immigrant criteria,
 - (d) provides required documentation including Social Security numbers, and
 - (e) signs consent authorization documents.
- (2) In addition to the eligibility criteria, families must also meet the PHA screening criteria in order to be admitted to public housing.

B. Eligibility Criteria

- (1) Family Status
 - (a) Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status;
 - i. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
 - ii. A group of persons residing together, who have evidenced a stable family relationship for a minimum of six months as evidenced by previous rental history, and such group includes, but is not limited to:
 - a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - b. An elderly family;
 - c. A near-elderly family;
 - d. A disabled family;
 - e. A displaced family; and
 - f. The remaining member of a tenant family.
 - (b) An elderly family, which is:
 - i. A family whose head, (including co-head), spouse or sole member is a person who is at least 62 years of age;
 - ii. Two or more persons who are at least 62 years of age living together; or
 - iii. One or more persons who are at least 62 years of age living with one or more live-in aides.
 - (c) A near-elderly family, which is:
 - i. A family whose head, (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62;
 - ii. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
 - iii. 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.
 - (d) A disabled family, which is:
 - i. A family whose head, (including co-head), spouse, or sole member is a person with disabilities;
 - ii. Two or more persons with disabilities living together; or
 - iii. One or more persons with disabilities living with one or more live-in aides.
 - (e) 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.
 - (f) A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

- (2) Income Eligibility
 - (a) To be eligible for admission to PHA developments, the family's annual income must be within the income limits set by HUD which are revised annually and posted for public viewing at the PHA.
 - (b) Income limits apply only at admission and are not applicable for continued occupancy.
 - (c) 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 PHA without meeting the income requirements of the PHA.
 - (d) If the PHA acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
 - (e) Income limit restrictions do not apply to families transferring within the PHA's public housing program.
 - (f) (For housing agencies with fewer than 250 public housing units): If there are no eligible families on the waiting list and the PHA 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.
- (3) Occupancy by Police Officers
 - (a) The PHA may allow police officers who would not otherwise be eligible for public housing, to reside in a public housing dwelling unit.
 - (b) For the purposes of this policy, a police officer is defined as a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, state or local government or by an agency of any of these governments.
 - (c) An officer of an accredited police force of the PHA may qualify.
 - (d) The PHA must include in the PHA annual plan or supporting documents the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents.
- (4) Occupancy by Over-Income Families (Limited to PHAs with 250 units or less)
 - (a) The PHA may rent a unit in a public housing development to an over-income family, in accordance with its annual plan as follows:
 - i. There are no eligible low-income families on the PHA waiting list or applying for public housing assistance when the units is leased to an over income family;
 - ii. The PHA has publicized availability of the unit for rental to eligible low-income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family;
 - iii. The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit;
 - iv. The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and
 - v. The PHA gives the over-income family at least thirty days' notice to vacate the unit when the unit is needed for rental to an eligible family.
- (5) Full-time college students who are applying for admission as a non-parental/guardian household (college student as head of household) are not eligible to be admitted to public housing if they receive an athletic scholarship that includes more than \$5,000 annually for housing costs.
- (6) Citizenship/Eligibility status
 - (a) To be eligible, at least one member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 and revised in 24 CFR Part 5 "Revised Restrictions on Assistance to Noncitizens"; Final Rule, dated May 12, 1999.
 - (b) If a family member knowingly permits an ineligible individual to reside in an assisted housing unit, the family member's assistance must be "terminated" for a period of not less than 24 months.

8. VERIFICATION OF SOCIAL SECURITY NUMBERS

A. Social Security Number Disclosure Requirements

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household and including live-in-aid, foster children and foster adults) are required to disclose his/her assigned SSN, with the exception of the following individuals:

- (1) Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for an SSN.
 - (a) A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.
 - (b) A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR 5.520. The PHA may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- (2) Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The PHA may confirm HUD's validation of the participant's SSN by viewing the household's Summary Report or the Identity Verification Report in the EIV system.
- (3) Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

B. Social Security Number Documentation:

- (1) The PHA will request the applicant and participant (including each member of the household) who are not exempt to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:
 - (a) An original SSN card issued by SSA;
 - (b) An original SSA-issued document, which contains the name and SSN of the individual; or
 - (c) An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

C. Rejection of Documentation:

- (1) The PHA may reject documentation of the SSN provided by the applicant or participant for only the following reasons:
 - (a) The document is not an original document; or
 - (b) The original document has been altered, mutilated, or not legible; or
 - (c) The document appears to be a forged document (i.e., does not appear to be authentic).
- (2) The PHA will explain to the applicant the reason(s) the document is not acceptable and request the individual to obtain acceptable documentation of the SSN and submit it to the PHA within a specified time frame.

D. Verification of the Social Security Number:

- (1) The PHA shall verify each disclosed SSN by:
 - (a) Obtaining the documentation from applicants and participants (including each member of the household);
 - (b) Making a copy of the original documentation submitted, returning it to the individual, and retaining the copy in the file folder; and

- (c) Recording the SSN on line 3n of the form HUD-50058 and transmitting the form HUD-50058 to HUD within 30 calendar days of completing the form.
 - (2) Once the individual's verification status is classified as verified, the PHA will remove and destroy, by no later than the next re-exam of family income or composition, the copy of the documentation. Paper documentation will be destroyed by either shredding or burning. Electronic documentation will be destroyed by erasing or permanently deleting the file. The retention of the aforementioned EIV report in the tenant file is adequate. The PHA will maintain EIV reports in the tenant file for the duration of tenancy, and no longer than three years from the end of participation date.
- E. Individuals without an assigned SSN:
- (1) Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA should make such declaration in writing and under penalties of perjury to the PHA. The PHA will maintain the declaration in the tenant file.
 - (2) The PHA will use the Alternate ID (ALTD ID) generator within the Public and Indian Housing Information Center (PIC) to generate a unique identifier for those individuals who do not have or are unable to disclose an SSN.
 - (3) Once an individual discloses an SSN, the PHA will delete the ALT ID, enter the SSN on line 3n of the form HUD-50058, and transmit the form HUD-50058 to HUD within 30 calendar days of receipt of the SSN.
- F. Addition of a New Household Member:
- (1) When a participant requests to add a new household member to the family, who is at least six year of age and has an assigned SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced above at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA will not add the new household member until the family provides such documentation.
 - (2) When a participant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced above within 90 calendar days of the child being added to the household.
 - (3) If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, only if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include, but are not limited to, delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc.
 - (4) The child is to be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA will generate an ALT ID as described above. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA must terminate the entire family's tenancy.
- G. Penalties for Failure to Disclose and/or Provide Documentation of the SSN:
- (1) Applicants. The PHA must deny the eligibility of an assistance applicant if he/she (including each member of the household required to disclose his/her SSN) does not disclose an SSN and/or provide documentation of such SSN. However, if the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period of 90 days. If all household members have not disclosed their SSN at the time a unit becomes available, the PHA will offer the available unit to the next eligible applicant family on the waiting list.
 - (2) Participants. The PHA must terminate the tenancy of Public Housing participants (the entire household) if she/he (including each member of the household required to disclose his/her SSN) does not disclose his/her SSN and provide the required documentation. However, if the family is otherwise eligible for tenancy in the program, the PHA may defer the family's termination and provide the family an opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the PHA determined the family noncompliant with the SSN disclosure and documentation requirement, only if the PHA determines:

- (a) The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and
- (a) There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.
- (3) If the family is unable to comply with the requirements by the specified deadline, the PHA will terminate the tenancy of the entire family.

9. SIGNING CONSENT FORMS

- A. In order to be eligible, each member of the family who is at least 18 years of age, and each family head, co-head and spouse regardless of age, shall sign one or more consent forms.

The consent form must contain, at a minimum, the following:

- (1) A provision authorizing HUD or the PHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
- (2) A provision authorizing HUD or the PHA to verify with previous or current employer's income information pertinent to the family's eligibility for, or level of, assistance;
- (3) A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility, or level of benefits; and
- (4) 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.

10. SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The PHA 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, PHA employees, or other people residing in the immediate vicinity of the property. Otherwise, eligible families will be denied admission if they fail to meet the suitability criteria.
- B. The PHA 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 therefrom; and
 - (6) History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others, which may be verified by obtaining information from a drug treatment facility.
- C. The PHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The PHA will verify the information provided. Such verification may include, but may not be limited to, the following:
 - (1) A credit check of the head, spouse and co-head;
 - (2) A rental history check of all adult family members;

- (3) A criminal background check on all adult household members, including live-in aides. This check will be made through state or local law enforcement, court records, or through the FBI's National Crime Information Center (NCIC);
- (4) A home visit to provide the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and,
- (5) A check of the state's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing. The PHA will utilize the U.S. Department of Justice's Dru Sjodin National Sex Offender website as an additional resource. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from Individual state sex offender registries."
- (6) A check of the State of Tennessee Meth Offender Registry Database.

11. GROUNDS FOR DENIAL

- A. The PHA is not required or obligated to assist applicants who:
 - (1) Do not meet any one or more of the eligibility criteria;
 - (2) Do not supply information or documentation required by the application process;
 - (3) Have failed to respond to a written request for information or a request to declare their continued interest in the program;
 - (4) Have a history of not meeting financial obligations, especially rent;
 - (5) Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such inability could adversely affect the health, safety, or welfare of other tenants; which includes:
 - (a) The creation of a fire hazard through acts such as the hoarding of rags and paper;
 - (b) severe damage to premises and equipment, if it is established that the family is responsible for the conditions;
 - (c) seriously affecting neighbors by causing infestations, foul odors, depositing garbage improperly; or serious neglect of the premises.
 - (d) In cases where a qualified agency is working with the family to improve its housekeeping and the agency reports that the family shows potential for improvement, decision as to eligibility shall be reached after recommendation by a social advisor. This category does not include families whose housekeeping is found to be superficially unclean or to lack of orderliness where such conditions do not create a problem for the neighbors.
 - (6) Have a history of disturbing neighbors or damaging property;
 - (7) Currently owes rent or other amounts to this PHA, any other PHA or assisted housing.
 - (8) 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 therefrom;
 - (9) Have a household member who has ever been evicted from public housing for a serious violation of the lease;
 - (10) Have a family household member who has been terminated under the certificate or voucher program;
 - (11) Have been involved as offender in rape, indecent exposure, sodomy, carnal abuse or impaired the morals of a minor. Exception is permitted in the case of any individual, regardless of age, who was involved in such offense but evidence from a reliable source shows that the individual may be considered rehabilitated.
 - (12) Have not been able to meet the eligibility requirements imposed by state and federal laws and any regulations promulgated thereunder, including the inability to legally enter into binding contracts and other similar restrictions.

12. PROHIBITING ADMISSION OF DRUG CRIMINALS:

- A. The PHA will prohibit admission of a household member to the PHA's public housing program if:
 - (1) The PHA determines that any household member is currently engaging in or has engaged in drug-related criminal activity; or

- (2) The PHA determines that it has reasonable cause to believe that illegal drug use or a pattern of illegal drug use by a household member may adversely affect the health or safety of, or the right to peaceful enjoyment of the premises by other residents.
- B. The PHA may require the household to submit sufficient evidence, as determined by the PHA, that the members of the household have not engaged in drug-related criminal activity during a reasonable period, as determined by the PHA, before admission to the PHA's public housing program.
- C. The PHA will prohibit admission to public housing if any household member has been evicted from federally assisted housing for drug-related criminal activity. This prohibition applies for three years from the date of the judicial determination authorizing the eviction. However, the PHA may admit the household if the PHA determines:
 - (1) The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
 - (2) That the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- D. The PHA will prohibit admission to public housing if any household member has been evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- E. The PHA will prohibit admission to public housing if any household member has been convicted within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- F. The PHA will permanently prohibit admission to public housing if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing.

13. PROHIBITING ADMISSION OF OTHER CRIMINALS

- A. The PHA may prohibit admission to public housing, under standards established by the PHA, if the PHA determines that any household member is currently engaging in or has engaged in:
 - (1) Violent criminal activity; or
 - (2) Criminal or other activity which may threaten the health or safety of, or the right to peaceful enjoyment of the premises by other residents, staff or personnel; or
 - (3) Criminal or other activity which may threaten the health or safety of PHA management staff, or persons performing management functions on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).
- B. The PHA may require the family to submit sufficient evidence, as determined by the PHA, that the members of the household have not engaged in such criminal activity during a reasonable period, as determined by the PHA, before admission to the PHA's public housing program.
- C. The PHA will prohibit admission to public housing program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In screening of applicants, the PHA will perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement.

14. PROHIBITING ADMISSION OF ALCOHOL ABUSERS

- A. The PHA will prohibit admission to public housing if the PHA determines that it has reasonable cause to believe that abuse or pattern of abuse of alcohol by a household member may threaten the health or safety of, or right to peaceful enjoyment of the premises by other public housing residents.

15. EVIDENCE OF CRIMINAL ACTIVITY

- A. The PHA may deny admission for criminal activity by a household member if the PHA determines that the household member has engaged in criminal activity, regardless of whether the household member has been arrested or convicted for such activity.
- B. Criminal records. When a PHA denies admission to public housing on the basis of a criminal record, the PHA will provide the household member with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, if requested.
- C. Criminal activity directly relating to domestic violence, dating violence or stalking, engaged in by a member of an applicant's household, or other persons under the applicant's control, shall not be cause for denial of assistance or admission of the applicant or immediate family members(s), who otherwise qualify for assistance or admission, if the applicant's family is the victim or threatened victim of abuse. Individuals must certify that the individual is a victim of abuse in accordance with the PHA's Violence Against Women Act Policy.

16. DRUG USE AND ALCOHOL ABUSE

- A. In determining whether to deny admission to public housing for illegal drug use or alcohol abuse or a pattern of illegal drug use or alcohol abuse by a household member who is no longer engaging in such use, the PHA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully.
- B. In determining whether to deny admission to the PHA's public housing program for illegal drug use or alcohol abuse by a household member, the PHA may impose, as a condition of admission to, and continued assistance in public housing for other family members, a requirement that the household member who engaged in or is culpable for the drug use or alcohol abuse may not reside in the unit.
- C. The PHA may require a household member who has engaged in the illegal use of a drug, or in alcohol abuse that affected the health or safety of, or the right to peaceful enjoyment of the premises by other residents, to submit evidence of current participation in or successful completion of, a supervised drug or alcohol rehabilitation program as a condition to be allowed to reside in the unit.
- D. The PHA may deny admission to public housing for a reasonable time period determined by the PHA if any household member has been evicted from federally-assisted housing for serious violation of the lease (other than eviction for drug-related criminal activity).
- E. The PHA may require the family to submit for any household member who is at least 18 years of age, and for each family head, co-head or spouse regardless of age a consent form signed by such household member that:
 - (1) Requests any drug abuse treatment facility to inform the PHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use;
 - (2) Authorizes the PHA to receive such information from the drug treatment facility, and to utilize such information in determining whether to prohibit admission of the household member to public housing.
- F. The consent form submitted for a proposed household member will expire automatically after the PHA has made a final decision to either approve or deny the admission of such person.

- G. The PHA may request that a drug abuse treatment facility disclose whether the drug abuse treatment facility has reasonable cause to believe that the proposed household member is currently engaging in the illegal use of a drug.
- H. The PHA's request to the drug abuse treatment facility will include a copy of the consent form signed by the proposed household member.
- I. The drug abuse treatment facility is required to provide the information requested by the PHA.
- J. The PHA may request information from a drug abuse treatment facility utilizing the following policy:
 - (1) Request for certain household members. Under this policy, the PHA will submit a request to a drug abuse treatment facility only with respect to each proposed household member whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission, or whose prior tenancy records indicate that the proposed household member: engaged in the destruction of property; engaged in violent activity against another person; or interfered with the right of peaceful enjoyment of the premises or other residents.
- K. The PHA has established a system of records management that ensures that any information which the PHA receives from the drug abuse treatment facility about a person:
 - (1) Is maintained confidentially in accordance with Section 543 of the Public Health Service Act (12 U.S.C. 290dd-2);
 - (2) Is not misused or improperly disseminated; and
 - (3) Is destroyed no later than five business days after the PHA admits the person as a household member under the PHA's public housing program or, if the PHA denies the admission of such person as a household member, in a timely manner after the date on which the statute of limitations for the commencement of a civil action based upon that denial of admissions has expired.

17. ESTABLISHING AND MAINTAINING THE WAITING LIST

A. Opening and Closing Waiting Lists

- (1) For any unit size or type, if the PHA's waiting list has sufficient applications to fill anticipated vacancies for the coming 12 months, the PHA may elect to:
 - (a) close the waiting list completely;
 - (b) close the list during certain times of the year; or
 - (c) restrict intake by preference, type of project, or by size and type of dwelling.
- (2) A decision to close the waiting list will consider the number of applications for each size and type of unit, the number of applicants who qualify for a preference, and the ability of the PHA to house applicants in 12 to 18 months. Decisions to close waiting lists, restrict intake, or open waiting lists will be publicly announced.
- (3) When the waiting list is closed, the PHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

B. Updating the Waiting List

- (1) Once each year, the PHA will update each waiting list by contacting all applicants in writing. If, after one attempt in writing, no response is received, the PHA will withdraw the name of an applicant from the waiting list in accordance with the paragraph below entitled "Removing Applicant Names from the Waiting List."
- (2) At the time of initial intake, the PHA will advise families that they must notify the PHA when their circumstances, mailing address or phone numbers change.

C. Change in Preference Status While on the Waiting List

- (1) Situations of some families who did not qualify for a local or ranking preference when they applied may change so they are qualified for a preference. The family should contact the PHA so their status may be recertified or re-verified. Applicants whose preference status changes while they are on the waiting list retain their original date and time of application, or application number, as applicable.
- (2) If the PHA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with the preference(s) and the date and time of the application. If a family no longer has a preference they will be reassigned based on the original date and time of their application without regard to the preference. They will then be informed in writing of how the change in status has affected their place on the waiting list.

D. Removing Applicant Names from the Waiting List

- (1) To ensure vacant units are filled in a timely manner, the PHA needs a waiting list that is accurate. While each applicant must keep the PHA apprised of changes in address, phone number, income or other circumstances, no applicant shall be removed from the waiting list except when one of the following situations occurs:
 - (a) The applicant receives and accepts an offer of housing;
 - (b) The applicant requests that his/her name be removed from the waiting list;
 - (c) The applicant is rejected, either because he/she is ineligible for public housing at the time of certification, or because he/she fails to meet the application selection criteria, or,
 - (d) The application is withdrawn because the PHA attempted to contact the applicant and was unable to do so. In attempting to contact an applicant, the following methods shall be undertaken before an application may be withdrawn:
 - i. When five working days have elapsed from the date when the PHA mails the letter, if there is no response from the applicant, the applicant will be sent the same letter by prepaid, first-class mail;
 - ii. If an applicant contacts the PHA as required within any of the deadlines stated above, he/she shall be reinstated at the former waiting list position;
 - iii. When the PHA is unable to contact an applicant to schedule a meeting, or interview or to make an offer, the PHA shall suspend processing of the application until the applicant is either withdrawn (no contact by the applicant) or reinstated (contact by the applicant within the stated deadlines). While an application is suspended, applicants next in sequence will be processed.
- (2) Persons who fail to respond to PHA attempts to contact them because of verified situations related to a disability shall be entitled to reasonable accommodation. In such circumstances, the PHA shall reinstate these individuals to their former waiting list positions.
- (3) Families whose applications are withdrawn or rejected must submit a new application for housing when the waiting list is open.

18. NOTIFICATION TO APPLICANTS

- A. The PHA shall properly notify any applicant determined to be ineligible for admission as to the basis for such determination. The applicant is to be given, upon request, an opportunity for an informal hearing on such determination. Any applicant determined to be eligible for admission to the development is to be notified of the approximate date of occupancy insofar as such date can be reasonably determined.
- B. An estimate of the admission date will be determined based upon the normal rate of turnover that the PHA experiences in a given 12-month period.

19. RESIDENT SELECTION

- A. It shall be the policy of this PHA to attain, to the maximum extent feasible, a tenant body in each project that is composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families with serious social problems.

- B. The PHA will not, on account of race, color, religion, sex, handicap, familial status, sexual orientation or gender identity, age or national origin, deny to any family or individual the opportunity to apply for admission nor deny or hinder any eligible applicant the opportunity to make application, lease, or rent dwelling units suitable to its need in any development.

20. PREFERENCES

- A. The PHA will inform all applicants about available preferences and will give applicants an opportunity to show that they qualify for available preferences. The PHA will select families based on the following preferences within each bedroom size category:
 - A. A resident of Marion County, Tennessee by way of the applicant's personal identification/address.
 - B. Working (30 hours per week), Veterans, and/or Elderly, Handicapped, Disabled, receiving SSI or Social Security.
 - C. Involuntary Displacement- fire, flood, natural disaster
 - D. Homeless with referral from agency.

Based on the above preferences, all families with the above preference will be offered housing before any families without the preference. The date and time of the application will be noted and utilized to determine the sequence with in the above prescribed preference.

B. Buildings Designed for the Elderly and Disabled

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

C. Accessible Units

- (1) Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above.
- (2) If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list.
- (3) Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.
- (4) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms.

21. RESIDENT ASSIGNMENTS

- A. A central application pool will be maintained, filed first by unit size and by preference. Each application shall be identified by date and time of application.
- B. Applicant's removal to the bottom of the list (for their preference category) will be implemented after the refusal of the second offer unless satisfactory evidence is presented that acceptance of the offered unit will result in undue hardship not related to race, color, religion, sex, handicap, familial status, sexual orientation or gender identity, age or national origin. Undue hardship could mean lack of transportation from development to source of employment, or hardship with respect to health, or physical handicaps.
- C. The PHA shall exercise discretion, notwithstanding the provisions outlined above, however, in the assignment of residents to units where such assignment is made desirable by such things as heart attacks, longtime illness, etc., in order to permit adequate medical attention.

- D. A record will be maintained on the application listing and on the Waiting List as to the vacancies offered, including location, date and circumstances of each offer and each rejection or acceptance.
- E. In the assignment of residents, there is to be no discrimination against families, otherwise eligible for admission, because their incomes are derived in whole or part from public assistance.
- F. Any vacant unit offer will be based on a determination of how many locations have available units of suitable size and type. If a suitable unit is available in:
 - A. One location: The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available whether at the same location as the first offer or at another location. If the applicant rejects the second offer, the applicant's name will be moved to the bottom of the waiting list for their preference category.
 - (2) More than one location: The applicant will be offered the unit that has been vacant for the longest period of time. If the offer is rejected, the applicant will be offered the unit that has been vacant for the second longest period of time. If the applicant rejects the second offer, the applicant's name will be moved to the bottom of the waiting list for their preference category. If an applicant rejects a total of 2 offers, they will be removed from the waiting list.

22. DECONCENTRATION POLICY

- A. The objective of the Deconcentration Policy for the PHA is to achieve the goal that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development or census tract. The PHA will take actions as necessary to achieve the goal that no individual development has a concentration of higher income or lower income families. To ensure that the PHA does not concentrate families with higher or lower income levels in any one development, the PHA will track the status of family income, by development, at each admission utilizing income reports generated by the PHA's computer system.
- B. The PHA will periodically compare the relative incomes of its developments to the relative incomes of the census tracts in which they are located. Where significant differences are identified, income targeting will be applied.

23. INCOME TARGETING

- A. To accomplish the deconcentration goals, the PHA will take the following actions:
 - (1) At the beginning of each fiscal year the PHA will establish a numerical goal for admission of families whose incomes are at or below 30 percent of the area median income. The target annual goal will be calculated by taking 40 percent of the total number of move-ins from the previous PHA fiscal year.
 - (2) The PHA will limit the number of admissions to ensure that not less than 40 percent of admissions are families with incomes at or below 30 percent of the area median income.
 - (3) The PHA will skip families on the waiting list or skip developments to accomplish these goals.
- B. The PHA will not hold units vacant to accomplish these goals.

24. TRANSFER OF RESIDENTS

- A. Transfer of a family within a low-income public housing development aided by HUD, or transfer to such a development from any other low-income development operated by this PHA, when such family is eligible for continued occupancy in the dwelling to which it is transferred, is not for any purpose deemed to be an admission to the development and is not to be subject to the preference enumerated previously.

The following transfers will have preference over eligible applicants: units the PHA must vacate for modernization or renovation, families in units too small for their needs, families with verified medical needs, families requiring reasonable accommodation under ADA, and, other PHA required transfers. Victims of domestic violence, dating violence, sexual assault or stalking. These families will not be assessed a transfer fee.

- B. Moving costs are the responsibility of the tenant except for activities subject to the Uniform Relocation Act or other HUD initiated property improvement programs.
- C. A resident initiating a transfer request for reasons other than the ones above will be assessed a Transfer Fee of \$100.00 and the PHA can inspect the dwelling unit prior to approval of a transfer request. Requests for resident-initiated transfers will only be considered for residents who have occupied their dwelling unit for at least six months. Applicants with a preference will take precedence over routine transfer requests.
- D. All families transferring will be required to pay any charges for maintenance repairs beyond normal wear and tear and deemed to be the responsibility of the resident.
- E. If a family has accepted a handicapped accessible unit but does not require the handicapped features and the PHA has an applicant that needs the accessible unit, the resident must agree to transfer to another unit upon request. If the PHA must transfer the family out of the accessible unit the PHA will pay the cost to relocate the resident.
- F. For resident-initiated transfers, when the unit to which the tenant is transferring is ready for occupancy, the PHA will deliver the tenant a written notice to this effect. The resident will be allowed a maximum of 7 days to complete the move, including removal of all personal property from the vacated unit and completion of the move-out inspection. If the tenant does not complete the move within a maximum of 7 days, the PHA will cancel the tenant's transfer process. The tenant will still be charged the transfer fee and the late transfer fee. Further, the PHA will not consider another transfer request from this tenant for a period of twelve (12) months.
- G. Victims of domestic violence, dating violence, sexual assault or stalking may request an emergency transfer in accordance with the housing authority's Emergency Transfer Plan.

25. LEASING OF DWELLING UNITS

- A. A lease agreement is to be entered into between this PHA and each resident family. The lease is to be kept current at all times and is to reflect the rent being charged, the unit occupied and the conditions governing occupancy. Cancellation of a resident's lease is to be in accordance with the provision of the lease and applicable regulations.
- B. Written records of all evictions from any low-income public housing development shall be maintained as required by HUD.
- C. The lease must be signed by the head of household, co-head and spouse (if spouse is an adult) and by any other adult person who resides in the dwelling unit (excluding live-in-aides).

26. OCCUPANCY STANDARDS

- A. To avoid overcrowding and prevent waste of space, dwellings are to be leased in accordance with the occupancy standards set forth below. In the event, however, there should be dwellings in a development which cannot be filled with families of appropriate size to make effective use of all available accommodations and to prevent or limit vacancy loss, eligible families of the most nearly appropriate size may be assigned to them, in which case the PHA reserves the right to transfer to the proper unit at a later date.

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Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10
6	6	12

- B. When it is found that the size of the dwelling is no longer suitable for the family in accordance with the standards as listed above, the family will be required to move as soon as a dwelling of appropriate size becomes available. To the maximum extent possible, needed transfers to units of appropriate size will have precedence over new admissions.
- C. The aforementioned standards are to be maintained insofar as possible at admission and continued occupancy. However, the following relaxation from such standards may be permitted:
- (1) Dwellings shall be assigned insofar as possible so that persons of the opposite sex (other than husband and wife) will not occupy the same bedroom, except for minors under the age of four years.
 - (2) Dwellings shall be assigned so as not to require the use of the living room for sleeping purposes except in zero-bedroom units. Any exception to this can be approved by the Executive Director or his/her designee on a temporary basis.
 - (3) Additional space may be assigned by the Executive Director or designee as deemed necessary due to age, illness, disability or employment.
 - (4) Three small children under school age of the same sex may share the same bedroom in the larger size units.
 - (5) Every family member residing in the household regardless of age is to be counted as a person.
 - (6) The maximums allowed in the above table may be exceeded to permit an infant to share a bedroom with its parents.

**SECTION III
CONTINUED OCCUPANCY POLICIES**

SECTION III

CONTINUED OCCUPANCY POLICIES

2. CONDITIONS GOVERNING CONTINUED OCCUPANCY

- A. There are to be eligible for continued occupancy in the HUD-aided Public Housing Developments operated by this PHA only those residents who:
- (1) Qualify as a family or remaining member of tenant family legally of age to sign contracts.
 - (2) Conform to the PHA's established Eligibility and Occupancy Standards (see "Eligibility for Admission")
 - (3) Conform with the requirements contained in the Apartment Lease executed between the resident and the PHA.
 - (4) Comply with the Community Service Requirements of this section.
 - (5) Comply with the housing authority's Smoke Free Policy.

3. REEXAMINATIONS

- A. Reexaminations are required when:
- (1) families who pay an income-based rent, the PHA must conduct a reexamination of family income and composition at least annually and must make appropriate adjustments in the rent after consultation with the family and upon verification of the information.
 - (2) families who choose flat rents, the PHA has the discretion to certify family income, and calculate a family's income-based rent once every three years, if in the first year of the three-year period a family chooses to pay the flat rent, and the family continues to pay the flat rent for the duration of the three-year period. For the second and third year of the three-year period, the PHA must provide the family, at the annual rent option meeting, the option to pay the income-based rent that was determined in the first year or the flat rent which has been updated in compliance with the requirements established by HUD Guidelines, including any necessary phase-ins of rent increases. If a family chooses to pay the income-based rent in the second year of the three-year period, the PHA must undertake a full income recertification prior to the third year. Should the family decide to revert back to paying the flat rent in year three, this constitutes the commencement of a new three-year period. Families that revert back to the flat rent after one or more years of paying the income-based rent must be offered the income-based rent and the flat rent set at no less than 80% of the FMR.
 - (3) families who include nonexempt individuals, the PHA must determine compliance once each twelve months with community service and self-sufficiency requirements.
- B. The PHA may use the results of these reexaminations to require the family to move to an appropriate size unit.
- C. As a part of the annual reexamination, a written application, signed by a responsible member of the family shall be obtained. The application shall set forth all data and information necessary for the PHA to determine rent and eligibility. Verification for employment and income, earned and non-earned, including that from assets, shall be obtained, along with appropriate documentation, to substantiate the determination of annual income. Data and/or verifications essential to substantiate the determination of family income should be made a part of the record of each application with all other materials relating to eligibility.
- D. In addition to other pertinent information, each application for continued occupancy shall indicate the determination of the PHA as to rent and as to eligibility or non-eligibility of the applicant; and the unit size for which eligible. The application shall be appropriately certified.
- E. **Annual reexamination.** The annual reexamination date(s) for each development are posted for public viewing at the PHA and are incorporated into this document by reference.

- F. **Special reexamination.** If at the time of admission or periodic reexamination, the PHA can satisfy itself that a family is clearly a lower income family, but that it is not possible to make an estimate of annual income for the ensuing 12 months with any reasonable degree of accuracy because of conditions such as the following:
- (1) Family member(s) are unemployed and there are no anticipated prospects of employment; or
 - (2) The conditions of employment and/or income are so unstable as to invalidate usual and normal standards of determinations; then, a special reexamination will be scheduled on a date determined by the PHA's estimate of the time required for the family's circumstances to stabilize. If, at the time of the scheduled reexamination, it is still not possible to make a reasonable estimate of annual income, special reexaminations will continue to be scheduled until such time as a reasonable estimate of annual income can be made and the reexamination completed. The special reexaminations do not replace the annual reexamination.
- G. A family may request an interim reexamination of family income or composition at any time. The Authority will make the interim reexamination within a reasonable time after the family request and will adjust the family's rent in accordance with the Apartment Lease.

4. INTERIM REPORTING

- A. Interim reporting requirements are specified in the Apartment Lease and are hereby made a part of this document by reference.

5. MISREPRESENTATION AFFECTING ELIGIBILITY AND/OR RENT

- A. If any reexamination discloses that the tenant, at the time of admission or any previous reexamination, made any misrepresentations which resulted in being classified as eligible when in fact the family was ineligible, the tenant may be required to vacate even though the family may currently be eligible.
- B. Also, if at the time of reexamination, it is found that the tenant's representations resulted in paying a lower rent than should have been paid, the tenant is to be required to pay the difference between the rent that was paid and that which should have been paid, in accordance with the terms of the lease.

6. CHOICE OF RENTS

Rent Options

- A. **Annual Choice by Family:** Once a year, the PHA must give each family the opportunity to choose between the two methods for determining the amount of tenant rent payable monthly by the family. The family may choose to pay as tenant rent either a flat rent as determined in accordance with the flat rent details of this section, or an income-based rent as determined in accordance with the income-based rent details of this section.
- **Relation to Minimum Rent:** Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent.
 - For a family that chooses the flat rent option, the PHA must conduct a reexamination of family income and composition at least once every three years, except for families a PHA determines exceed the over-income limit described in § 960.507(b). Once a PHA determines that a family has an income exceeding the over-income limit, the PHA must follow the income examination and notification requirements under § 960.507(c).
 - At initial occupancy, or in any year in which a participating family is paying the income-based rent, the PHA must:
 - i. Conduct a full examination of family income and composition, following the provisions in § 960.257;
 - ii. Inform the family of the flat rental amount and the income-based rental amount determined by the examination of family income and composition;

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- iii. Inform the family of the PHA's policies on switching rent types in circumstances of financial hardship; and
 - iv. Apply the family's rent decision at the next lease renewal.
- In any year in which a family chooses the flat rent option but the PHA chooses not to conduct a full examination of family income and composition for the annual rent option under the authority of paragraph (f)(1) of this section, the PHA must:
 - (a) Use income information from the examination of family income and composition from the first annual rent option;
 - (b) (i) Inform the family of the updated flat rental amount and the rental amount determined by the most recent examination of family income and composition;
 - (c) Inform the family of the PHA's policies on switching rent types in circumstances of financial hardship; and
 - (d) Apply the family's rent decision at the next lease renewal.
- B. Flat Rent:** The flat rent is determined annually, based on the market rental value of the unit as determined by the following:
- (1) The PHA must establish a flat rent for each public housing unit that is no less than 80 percent of the applicable Fair Market Rent (FMR), or
 - (2) HUD may permit a flat rent of no less than 80 percent of an applicable small area FMR (SAFMR) or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used in paragraph (1) above. If HUD has not determined an applicable SAFMR or unadjusted rent, the PHA must rely on the applicable FMR under paragraph (1) above or may apply for an exception flat rent under paragraph (3) below.
 - (3) The PHA may request, and HUD may approve, on a case-by-case basis, a flat rent that is lower than the amounts in paragraphs (b)(1) and (2) of this section, subject to the following requirements:
 - (a) The PHA must submit a market analysis of the applicable market.
 - (b) The PHA must demonstrate, based on the market analysis, that the proposed flat rent is a reasonable rent in comparison to rent for other comparable unassisted units, based on the location, quality, size, unit type, and age of the public housing unit and any amenities, housing services, maintenance, and utilities to be provided by the PHA in accordance with the lease.
 - (c) All requests for exception flat rents under this paragraph (b)(3) must be submitted to HUD.
 - (4) For units where utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible.
 - (5) The PHA must revise, if necessary, the flat rent amount for a unit no later than 90 days after HUD issues new FMRs.
 - (6) If a new flat rent would cause a family's rent to increase by more than 35 percent, the family's rent increase must be phased in at 35 percent annually until such time that the family chooses to pay the income-based rent or the family is paying the flat rent established pursuant to this paragraph.

Switch From Flat Rent To Income-Based Rent Because Of Hardship

- (1) A family that is paying a flat rent may at any time request a switch to payment of income-based rent (before the next annual option to select the type of rent) if the family is unable to pay flat rent because of financial hardship. The PHA must adopt written policies for determining when payment of flat rent is a financial hardship for the family.
- (2) If the PHA determines that the family is unable to pay the flat rent because of financial hardship, the PHA must immediately allow the requested switch to income-based rent. The PHA shall make the determination within a reasonable time after the family request.
- (3) The PHA policies for determining when payment of flat rent is a financial hardship must provide that financial hardship include the following situations:
 - (a) The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;
 - (b) The family has experienced an increase in expenses, because of changed circumstances, for

- medical costs, child care, transportation, education, or similar items; and
- (c) Such other situations determined by the PHA to be appropriate.

The INCOME BASED Formula Method:

An income-based rent is a tenant rent that is based on the family's income and the PHA's policies for determination of such rents as follows:

- (1) The total tenant payment is equal to the highest of:
 - (a) 10 percent of monthly income;
 - (b) 30 percent of adjusted monthly income; or
 - (c) The welfare rent.
- (2) The family will pay the greater of the total tenant payment or the minimum rent, but never more than the ceiling rent.
- (3) The income-based tenant rent must not exceed the total tenant payment for the family minus any applicable utility allowance for tenant-paid utilities. If the utility allowance exceeds the total tenant payment, the PHA shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

Minimum Rent

- (1) The PHA has established and adopted a minimum rent that is posted on the bulletin board in the main office. However, if the family requests a hardship exemption, the PHA will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. "Immediately" as used in this paragraph is defined as "the beginning of the month following the family's hardship request." The financial hardship exemption applies only to payment of the minimum rent.
- (2) A hardship exists in the following circumstances:
 - (a) When the family has lost eligibility for, or is waiting for an eligibility determination for a federal, state, or local assistance program; including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
 - (b) When the family would be evicted because it is unable to pay the minimum rent requirement;
 - (c) When the income of the family has decreased because of changed circumstances, including loss of employment;
 - (d) When a death has occurred in the family;
 - (e) Other circumstances as determined by the PHA or HUD.
- (3) The above exemptions must be proven by the resident by providing to the PHA verifiable information in writing prior to the rent becoming delinquent and before the lease is terminated by the PHA.
- (4) No hardship. If the PHA determines that there is not a qualifying permanent financial hardship that PHA reinstates the minimum rent from the time of suspension, the PHA may offer the family a reasonable repayment agreement for the amount of back rent owed.
- (5) Temporary hardship. If the PHA determines that there is a qualifying hardship, but that it is temporary, the PHA reinstates the minimum rent, including back rent owed from the beginning of suspension. The PHA cannot evict the family for nonpayment of the amount of minimum rent in excess of tenant rent otherwise payable during the 90-day period beginning on the date the family requested an exemption. The PHA must offer the family a reasonable repayment agreement for the amount of back rent owed.
- (6) Permanent hardship. If the PHA determines there is a qualifying long-term financial hardship, the responsible entity must exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying hardship.
- (7) Appeals. A family who appeals a financial hardship determination through the public housing grievance procedure is exempt from any escrow deposit that may be required by the regulations governing these procedures.

A. Ceiling Rent

- (1) A PHA using ceiling rents authorized and established before October 1, 1999, may continue to use ceiling rents, provided such ceiling rents are set at the level required for flat rents under this section. PHAs must follow the requirements for calculating and adjusting flat rents in paragraph (b) of this section when calculating and adjusting ceiling rents.

B. Rent for Families Under the Noncitizen Rule:

A. Method of prorating assistance for Public Housing covered programs.

- (a) Applicability. This section applies to a mixed family other than a family receiving continued assistance, or other than a family who is eligible for and requests and receives temporary deferral of termination of assistance. An eligible mixed family who requests prorated assistance must be provided prorated assistance.
- (b) The PHA must prorate the family's assistance as follows:
 - i. Step 1. Determine the total tenant payment. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)
 - ii. Step 2. Subtract the total tenant payment from the PHA-established flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").
 - iii. Step 3. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy."
 - iv. Step 4. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status ("eligible family members").
- (2) The product of steps 1 through 4 is the amount of subsidy for which the family is eligible ("eligible subsidy"). The family's rent is the PHA-established flat rent minus the amount of the eligible subsidy.

C. Information for Families.

- (1) For the family to make an informed choice about its rent options, the PHA will provide sufficient information for an informed choice. Such information will include at least the following written information:
 - (a) The PHA's policies on switching type of rent in circumstances of financial hardship, and
 - (b) The dollar amounts of tenant rent for the family under each option in accordance with "Re-examinations."

D. Over Income Limits.

CHANGES FOR OVER INCOME FAMILIES – TERMINATION

- Families participating in the public housing program must not have incomes that exceed the over-income limit for more than 24 consecutive months.
- This policy applies to all families in the public housing program, including FSS families and all families receiving EID.
- **Determination of over-income limit.**
 - (a) The PHA will determine the over-income limit each year by multiplying the applicable income limit for a very low-income family by a factor of 2.4. (§ 5.603(b.) Over income Limits will be updated within 60 days of HUD's publication date each year, will be posted on the PHAs bulletin board and will be effective for all re-examinations.
- **Notifying over-income families.**

- (a) If the PHA determines the family has exceeded the over-income limit pursuant to an **initial income examination**, the PHA must provide written notice to the family of the over-income determination no later than 30 days after the income examination. The notice must state that the family has exceeded the over-income limit and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA terminating the family's tenancy.
- (b) The PHA must conduct a **second income examination** 12 months after the initial over-income determination unless the PHA determined the family's income fell below the over-income limit since the initial over-income determination.
- (c) the PHA determines, **by a second income examination**, that the family has exceeded the over-income limit for 12 consecutive months, the PHA must provide written notification of this 12-month over-income determination no later than 30 days after the income examination that led to the 12-month over-income determination. The notice must state that the family has exceeded the over-income limit for 12 consecutive months and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA terminating the family's tenancy.
- (d) PHA will conduct a **third income examination** 24 months after the initial over-income determination, unless the PHA determined the family's income fell below the over-income limit since the second over-income determination. If the PHA determines the family has exceeded the over-income limit for 24 consecutive months, then the PHA must provide written notification of this 24-month over income determination no later than 30 days after the income examination that led to the 24-month over-income determination. The notice must state:
 - (i) That the family has exceeded the over-income limit for 24 consecutive months.
 - (ii) That the PHA will terminate the family's tenancy.
 - (iii) The period of time before tenancy termination.
- (e) If, at any time during the consecutive 24-month period following the initial over-income determination, a PHA determines that the family's income is below the over-income limit, the family is entitled to a new 24 consecutive month period of being over-income and new notices if the PHA later determines that the family income exceeds the over-income limit.
- **End of the 24 consecutive month grace period.**
 - (a) Once a family has exceeded the over-income limit for 24 consecutive months, the PHA must terminate the tenancy of the family no more than 6 months after the notification. The lease shall convert to a month-to-month term as of the date of the notice to the family of lease termination. The PHA must continue to charge these families the family's choice of income-based, flat rent, or prorated rent for mixed families during the period before termination. The PHA must give appropriate notice of lease tenancy termination (notice to vacate) in accordance with State and local laws.
- **Status of families.**
 - (a) An over-income family will continue to be a public housing program participant until their tenancy is terminated by the PHA.
- **Opportunity for Hearing.**
 - (a) The PHA must afford the family an opportunity for a hearing if the family disputes, within 10 calendar days, the PHA's determination that the family has exceeded the over-income limit. (24 CFR part 966, subpart B)
- **Reporting.**
 - (a) The PHA must submit a report annually to HUD that specifies, as of the end of the year, the number of families residing in public housing with incomes exceeding the over-income limit and the number of families on the waiting lists for admission to public housing projects and provide any other information regarding over-income families requested by HUD. These reports must also be publicly available.

(1) COMMUNITY SERVICE

- A. The Quality Housing and Work Responsibility Act of 1998 requires that nonexempt residents of public housing perform community service. HUD states that the provision is not intended to be perceived as punitive, but rather considered as rewarding activity that will assist residents in improving their own and their neighbors' economic and social well-being and give residents a greater stake in their communities.
- B. In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service or (2) participate in an economic self-sufficiency program, or a combination of the two, unless they are exempt from this requirement.
- C. **Exempt Individual:** The following adult family members of tenant families are exempt from this requirement. An adult who:
 - (1) Is 62 years or older;
 - (a) Is a blind or disabled individual, as defined under Section 216(i)(1) or Section 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or
 - (b) Is a primary caretaker of such individual;
 - (c) Is engaged in work activities;
 - (d) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (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;
 - (e) Is a member of a family receiving assistance, benefits or services under a 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 noncompliance with such a program; or
- D. All families will be given a written description of the service requirement, and of the process for claiming status as an exempt person. This will include the PHA's determination identifying the family members who are subject to the service requirement, and the family members who are exempt persons. The PHA will provide a form to any family members requesting exemption from the service and will advise the member what documentation is required to support the exemption. The PHA will approve or deny the request for exemption within 30 days from receipt of a request that includes required documentation. A family member may request an exempt status at any time.
- E. The PHA will provide a listing of qualifying community service or self-sufficiency activities that will meet this requirement. This list may be updated by the PHA at any time. Each nonexempt family member will be given a community service time sheet to track the monthly volunteer hours. A supervisor must sign and date each period of work. If qualifying activities are administered by an organization other than the PHA, a family member who is required to fulfill a service requirement must provide signed community service time sheets certifying to the PHA by such other organization that the family member has performed such qualifying activities.
- F. The PHA must review family compliance with service requirements and must verify such compliance. The PHA must retain reasonable documentation of service requirement performance in tenant files.
- G. If the PHA determines that there is a family member who is required to fulfill a service requirement, but who has violated this family obligation (noncompliant resident), the PHA must notify the tenant of this determination. The PHA notice to the tenant must:
 - (1) Briefly describe the noncompliance;
 - (2) State that the PHA will not renew the lease at the end of the twelve-month lease term unless;
 - (a) The tenant, and any other noncompliant resident, enter into a written agreement with the PHA, in the form and manner required by the PHA, to cure such noncompliance, and in fact cure such noncompliance in accordance with such agreement; or

- (3) The family provides written assurance satisfactory to the PHA that the tenant or other noncompliant resident no longer resides in the unit. State that the tenant may request a grievance hearing on the PHA determination, and the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of such determination.
- H. If the tenant or another family member has violated the service requirement, the PHA may not renew the lease upon expiration of the term unless:
 - (1) The tenant, and any other noncompliant resident, enter into a written agreement with the PHA, in the form and manner required by the PHA, to cure such noncompliance by completing the additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the twelve-month term of the new lease, and
 - (2) All other members of the family who are subject to the service requirement are currently complying with the service requirement or are no longer residing in the unit.
- I. In implementing the service requirement, the PHA may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by PHA employees or replace a job at any location where residents perform activities to satisfy the service requirement.
- J. If a tenant (or family) moves out having not contributed the required number of community service hours, they will not be eligible for re-admission until satisfactory documentation is submitted to the PHA indicating that the previously uncompleted community service hours have been completed.
- K. Uncompleted community service hours will be included in the tenant's rental history and will be provided to landlords requesting rental history.
- L. Requests for rental history from other PHAs may include a Request for Community Service Compliance.

(2) FRAUD POLICY

- A. The Tennessee Code annotated description of Theft of Services includes the following: "Intentionally obtaining services by deception, fraud, coercion, false pretense or any other means to avoid payment for services." Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations for the purpose of obtaining rental assistance.
- B. Fraud is defined as "a single act or pattern of actions made with the intent to deceive or mislead, including false statements, omissions of information or the concealment of a substantive fact made with the intention of deceiving or misleading the PHA when the act or acts lead to the person or person(s) involved receiving benefits to which they are not entitled.
- C. Through application of its verification procedures for income and household information, the PHA will make every effort to ensure that applicants and residents are made aware of the consequences of providing false or misleading information. Further, the PHA will make every effort to verify all information provided by residents and applicants.
- D. When fraudulent activity is discovered, the PHA will take action to document the activity and undertake the appropriate remedy. The remedy may vary depending on the specific circumstances of the case and the action deemed appropriate by the PHA and could include, but will not be limited to:
 - (1) The tenant may be required to immediately repay the amount;
 - (2) The PHA may enter into a repayment agreement with the tenant if the amount does not exceed \$2,400.
 - (3) If the amount exceeds \$2,400.00, the families' assistance will be immediately terminated.
 - (4) If the amount exceeds \$5,000.00, the tenant will not be eligible for re-admission to the PHA, regardless of repayment.
 - (5) Where the families' assistance is terminated due to fraud, the PHA may, at its discretion, refer the case to local, state, or federal authorities for prosecution.

(3) DECEASED TENANTS

- A. In order to ensure that unoccupied public housing units are made available for occupancy in a timely manner, the PHA will generate a Deceased Tenants Report at least once each month. The PHA will generate this report each month.
- B. Corrective Action for Single Member Households: The PHA will conduct a home visit to determine if anyone is residing in the unit. If there are unauthorized persons (including a live-in aide) in the unit of a deceased single member household, the PHA will pursue judicial intervention to have them lawfully removed from the unit.
- C. When the head of household (HOH) dies and the remaining household member is a live-in aide, the live-in aide is not entitled or eligible for continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled head of household. The PHA will not designate the live-in aide as the new head of household or change the relation code (line item 3h on the Form HUD-50058) of the live-in aide to make him or her an eligible household member.
- D. If the head of household (HOH) is deceased, and the remaining head of household members are minors, the PHA may allow a temporary adult guardian to reside in the unit until a court-appointed guardian is established. The PHA may add the new guardian as the new HOH.
- E. In the event that a household member is misidentified as deceased on the Deceased Tenants Report, the PHA will immediately notify the individual in writing and advise the individual to contact the SSA so that the SSA may correct its records. The individual may contact SSA at (800) 772-1213 or visit his/her local SSA office for assistance.
- F. The PHA will also provide the individual with his/her section of the EIV Income Report which shows the death information. The PHA is authorized to provide EIV information only to the individual the information pertains to. The PHA may provide the minor's information to the minor's adult parent or guardian.
- G. The PHA will make a note in the tenant file that the individual has been identified as deceased; however, the PHA has confirmed that the individual is actually alive.
- H. The PHA is required to list the End of Participation (EOP) date as the date on which the family or designee of the deceased tenant's estate returned the keys and signed a vacate notice, or the date the public housing lease was terminated, or the date the PHA legally regained possession of the unit, whichever comes first.
- I. Upon notification of the death, either by HUD's EIV system or a third party, the family or designee of the deceased tenant's estate will be allotted a minimum of fourteen (14) consecutive days to remove personal belongings from the unit, beginning the day after the date of notification, unless:
 - (1) State or local law requires a shorter or longer time frame to remove personal belongings.
 - (2) The rent has been paid for the month in which the death occurs, in advance of the date of death. In those instances, the family or designee of the deceased tenant's estate should be allotted time through the end of the month in which the rent has been paid, or 14 consecutive days from the date the PHA is notified of the death, whichever is greater.

(4) VIOLENCE AGAINST WOMEN ACT

- A. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim of the domestic violence, dating violence, or stalking, or as good cause to terminate the tenancy, or occupancy rights of, or assistance to the victim or threatened victim of such incident.
- B. Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, engaged

in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim.

- C. The PHA may bifurcate the lease, or remove a household member from the lease, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights or terminate assistance to any individual who is a tenant or lawful occupant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be affected in accordance with the procedures prescribed by federal, state and local law for the termination of leases, or assistance under HUD's Public Housing Program.
- D. The PHA will require that an individual certify that he/she is a victim of abuse and that the incidences of abuse are bonafide. The certification must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim, and any other statutorily required information. The victim must provide the certification to the PHA in accordance with the PHA's Violence Against Women Act policy. In cases where the individual does not submit the required certification, the Authority may terminate assistance.
- E. All information provided to the PHA relating to the incident(s) of domestic violence, including the fact that the individual is a victim of domestic violence, dating violence, sexual assault or stalking will be retained in confidence by the PHA and will not be entered into any shared database nor provided to a related entity. The PHA will not allow any employee or agent to have access to such information unless explicitly authorized by the PHA. For reasons that specifically call for these employees or those within their employ to have access to this information: and disclose this information to any other entity or individual, except to the extent that disclosure is requested or consented to by the individual making the documentation, in writing, required for use in an eviction proceeding, or otherwise required by applicable law.
- F. *Limitations of VAWA protections.*
 - 1. Nothing in this section limits the authority of the housing authority, when notified of a court order, to comply with a court order with respect to:
 - (a) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
 - (b) The distribution or possession of property among members of a household.
- G. Nothing in this section limits any available authority of the housing authority to evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. However, the housing authority must not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance.
- H. Nothing in this section limits the authority of the housing authority to terminate assistance to or evict a tenant under a housing authority if the housing authority can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to property of the housing authority would be present if that tenant or lawful occupant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the standards provided in the definition of "actual and imminent threat."
- I. Victims of domestic violence, dating violence, sexual assault or stalking may request an emergency transfer in accordance with the housing authority's Emergency Transfer Plan.

(5) EXTENDED ABSENCES AND ABANDONMENT

- A. The resident and others household members listed on the lease must live in the apartment and must report to the office anytime the apartment is going to be vacant more than seven (7) days, or anytime someone other than the persons listed on the lease are living temporarily in the apartment. The resident should provide the MHA with an emergency contact name and phone number to notify in case of emergency and provide an estimated date of return. If they do not return by that date, they must contact the Project Manager and explain the continued absence. If the resident has given someone a Power of Attorney, they should provide a copy to the housing authority.
- B. Apartments should not normally remain vacant more than 14 days without an extenuating circumstance (such as a serious medical condition of a family member) and absences over 14 days must have written approval from the project manager. Absences in excess of 30 days without approval of the project manager will be considered abandonment. During any absence from the apartment the resident remains responsible for assuring compliance with all provisions of the Apartment Lease and the Admissions and Continued Occupancy Policy. If the rent is past due 30 days or more, and the resident has been mailed a written eviction notice, the apartment appears vacant and no one answers the door, and the resident has not specifically and directly notified the MHA office of an extended absence, the Authority may assume the apartment is abandoned, file a warrant for possession, and remove any personal property in the apartment. A notice will be taped to the front door for 3 days prior to the property being removed.
- C. If the head of the household is the sole occupant and is confined to a medical, rehabilitation, convalescent or nursing facility for more than 60 days the PHA will request that the resident provide verification from a responsible knowledgeable professional to determine if this is a temporary or permanent condition. If the responsible professional cannot provide a determination, the person generally will be considered temporarily absent. An individual confined to a nursing home or hospital on a permanent basis is not considered a member of the household. If the responsible professional issues a determination that the absence is likely to be permanent and the resident is the sole resident of the household, then the resident must make arrangements to vacate the apartment within 30 days following the housing authority's issuance of a notice to vacate. The housing authority will consider the public housing unit abandoned if it is not vacated within this time period. This process is necessary in order to afford another family on the waiting list the opportunity to obtain housing. The resident may reapply if the circumstances change.
- D. In no circumstances is any family or individual permitted to lease any other HUD subsidized dwelling unit while on a public housing lease. The resident is not allowed to sublease the apartment or allow anyone to stay in the unit while they are absent.
- E. When the resident of a household that requires a live-in-aide is temporarily absent or has vacated the apartment the live-in aide is not entitled or eligible for continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled requiring those service.

(6) TOBACCO FREE POLICY

- i. The housing authority has adopted a policy regarding Tobacco-Free Public Housing in accordance with HUD regulations. All residents must comply with the requirements of this policy. Non-compliance with this policy may result in sanctions up to and including lease termination and eviction.

(7) HUD MINIMUM HEATING STANDARDS

- i. For a housing authority where state or local minimum heating standards do not exist, the housing authority shall use the following minimum heating requirements for public housing dwelling units in order to comply with Section 111 of HOTMA.

(1) *Minimum Temperature:*

South Pittsburgh Housing Authority

- (a) If the housing authority-controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit.
 - (b) If tenant-controlled, then the heating equipment must have the capability of heating to at least 68 degrees Fahrenheit.
- (2) Minimum Capability:**
- (a) The housing authority is allowed flexibility in maintenance of the indoor temperature when the outdoor temperature approaches the design day temperature. At no point should indoor temperatures in occupied space drop below 55 degrees Fahrenheit. This flexibility applies when at least one of the below criteria are met:
 - i. The outside temperature reaches or drops below the design day temperature, or
 - ii. The outside temperature is within five degrees Fahrenheit of the design day temperature for more than two consecutive days.
- (3) Measurement:**
- (a) Temperature measurements must be taken three feet above the floor and two feet from an exterior wall in a habitable room.

ELIGIBILITY FOR RESIDENT ADVISORY BOARD MEMBERSHIP:

- (a) Any member of a public housing household, not including members of a non-public housing over-income family, whose name is on the lease of a unit in the public housing development and meets the requirements of the by-laws is eligible to be a member of a resident council. The resident council may establish additional criteria that are non-discriminatory and do not infringe on rights of other residents in the development. Such criteria must be stated in the by-laws are constitution as appropriate.

**SECTION IV:
MATERIAL POSTING REQUIREMENT**

SECTION IV

MATERIAL POSTING REQUIREMENT

There shall be maintained in every PHA office a bulletin board which accommodates the following materials in such a manner as to be readily available to all visitors:

1. Statement of Admission and Continued Occupancy Policy
2. Tenant Selection and Assignment Plan (if not incorporated in the ACOP)
3. Directory of Projects including names, perimeter streets, number of units by bedroom size, number of units specifically designed for the elderly, addresses of management offices and office hours.
4. Income Limits
5. Utility Allowances
6. Current Schedule of Maintenance Charges
7. Dwelling Lease
8. Grievance Procedure
9. Fair Housing Poster
10. Equal Opportunity in Employment Poster
11. Lead-Based Paint Notification
12. State Law Requirements Regarding Fraud
13. Pet Policy
14. Re-examination Dates for Developments
15. Violence Against Women Policy Act