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**HOUSING AUTHORITY OF THE CITY OF MILWAUKEE
ADMISSIONS & CONTINUED OCCUPANCY POLICY
TABLE OF CONTENTS**

1.0 FAIR HOUSING	4
2.0 REASONABLE ACCOMODATION	4
2.1 COMMUNICATION.....	5
2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION.....	5
3.0 FAMILY OUTREACH	6
4.0 RIGHT TO PRIVACY	6
5.0 REQUIRED POSTINGS	7
6.0 TAKING APPLICATIONS	7
7.0 ELIGIBILITY FOR ADMISSION	9
7.1 INTRODUCTION	9
7.2 ELIGIBILITY CRITERIA.....	9
7.3 SUITABILITY.....	12
7.4 GROUNDS FOR DENIAL	14
7.5 INFORMAL REVIEW	15
8.0 MANAGING THE WAITING LIST	16
8.1 OPENING AND CLOSING THE WAITING LIST	16
8.2 ORGANIZATION OF THE WAITING LIST	16
8.3 FAMILIES NEARING THE TOP OF THE WAITING LIST	17
8.4 PURGING THE WAITING LIST	17
8.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST	17
8.6 MISSED APPOINTMENTS	17
9.0 TENANT SELECTION AND ASSIGNMENT PLAN	17
9.1 PREFERENCES	17
9.2 ASSIGNMENT OF BEDROOM SIZES	19
9.3 SELECTION FROM THE WAITING LIST	20
9.4 DECONCENTRATION POLICY	21
9.5 DECONCENTRATION INCENTIVES.....	21
9.6 OFFER OF A UNIT.....	21
9.7 REJECTION OF UNIT.....	22
9.8 ACCEPTANCE OF UNIT.....	22
10.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS	

FROM INCOME	23
10.1 ANNUAL INCOME.....	23
10.2 EXCLUSIONS FROM ANNUAL INCOME.....	25
10.3 DEDUCTIONS FROM ANNUAL INCOME.....	29
11.0 VERIFICATION.....	29
11.1 ACCEPTABLE METHODS OF VERIFICATION	30
11.2 TYPES OF VERIFICATION	32
11.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS	35
11.4 VERIFICATION OF SOCIAL SECURITY NUMBERS	36
11.5 TIMING OF VERIFICATION	36
11.6 FREQUENCY OF OBTAINING VERIFICATION	37
12.0 DETERMINATION OF TOTAL TENANT PAYMENT AND RENT	37
12.1 FAMILY CHOICE	37
12.2 THE FORMULA METHOD	38
12.3 MINIMUM RENT	38
12.4 THE FLAT RENT	39
12.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE	39
12.6 UTILITY ALLOWANCE	40
12.7 PAYING RENT	41
13.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE	41
13.1 GENERAL.....	41
13.2 EXEMPTIONS	42
13.3 NOTIFICATION OF THE REQUIREMENT.....	42
13.4 VOLUNTEER OPPORTUNITIES.....	42
13.5 THE PROCESS	43
13.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT.....	43
13.7 OPPORTUNITY FOR CURE	43
14.0 RECERTIFICATIONS	44
14.1 GENERAL.....	44
14.2 MISSED APPOINTMENTS	44
14.3 FLAT RENTS.....	44
14.4 THE FORMULA METHOD	45
14.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS.....	46
14.6 INTERIM REEXAMINATIONS	46
14.7 SPECIAL REEXAMINATIONS.....	47
14.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS.....	47
15.0 UNIT TRANSFERS.....	48
15.1 OBJECTIVES OF THE TRANSFER POLICY	48
15.2 CATEGORIES OF TRANSFERS.....	48

15.3 DOCUMENTATION	49
15.4 TRANSFERS TO SCATTERED SITES.....	49
15.5 PROCESSING TRANSFERS	49
15.6 COST OF THE FAMILY'S MOVE	50
15.7 TENANTS IN GOOD STANDING	51
15.8 TRANSFER REQUESTS.....	51
15.9 RIGHT OF THE MILWAUKEE HOUSING AUTHORITY IN TRANSFER POLICY.....	51
16.0 INSPECTIONS	51
16.1 MOVE-IN INSPECTIONS.....	51
16.2 ANNUAL INSPECTIONS	51
16.3 PREVENTATIVE MAINTENANCE INSPECTIONS.....	52
16.4 SPECIAL INSPECTIONS.....	52
16.5 HOUSEKEEPING INSPECTIONS.....	52
16.6 NOTICE OF INSPECTION	52
16.7 EMERGENCY INSPECTIONS	52
16.8 MOVE-OUT INSPECTIONS.....	52
17.0 PET POLICY	53
18.0 REPAYMENT AGREEMENTS	56
19.0 TERMINATION.....	56
19.1 TERMINATION BY RESIDENT	56
19.2 TERMINATION BY THE HOUSING AUTHORITY	56
19.3 ABANDONMENT	58
19.4 RETURN OF SECURITY DEPOSIT	58
20.0 ANTI-FRAUD POLICY.....	59
21.0 ELECTION POLICY.....	60
GLOSSARY	60

HOUSING AUTHORITY OF THE CITY OF MILWAUKEE

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Housing Authority of the City of Milwaukee, herein after referred to as “HACM”, policies for the operation of the low-rent public housing program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING

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

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

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

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

2.0 REASONABLE ACCOMMODATION

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

not always apparent, HACM will ensure that all applicants/residents are aware of the opportunity to request reasonable accommodations.

2.1 COMMUNICATION

Anyone completing an application will also receive a Request for Reasonable Accommodation form.

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the resident will include information about requesting a reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

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

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

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

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, HACM will require documentation that the requested accommodation is needed due to the disability. HACM will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
1. Would the accommodation constitute a fundamental alteration? HACM's business is housing. If the request would alter the fundamental business that the housing authority conducts, that would not be reasonable. For instance, we would deny a request to have the staff do grocery shopping for a person with disabilities.

2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, HACM may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, the housing authority retains the right to be shown how the requested accommodation enables the individual to access or use HACM's programs or services.

If more than one accommodation is equally effective in providing access to the HACM's programs and services, we retain the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by HACM if there is no one else willing to pay for the modifications. If another party pays for the modification, HACM will seek to have the same entity pay for any restoration costs.

If the resident requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, HACM will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

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

3.0 FAMILY OUTREACH

HACM will publicize the availability and nature of the public housing program for applicant families in a newspaper of general circulation. To reach people who cannot or do not read the newspapers, HACM will distribute fact sheets to the broadcasting media. HACM will also try to utilize public service announcements.

HACM will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the public housing program.

4.0 RIGHT TO PRIVACY

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

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

5.0 REQUIRED POSTINGS

In each of its offices, HACM will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all development offices, office hours, telephone numbers, TDD numbers, and resident facilities and operation hours
- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Utility Allowance Schedule
- G. Current Schedule of Routine Maintenance Charges
- H. Dwelling Lease
- I. Grievance Procedure
- J. Fair Housing Poster
- K. Equal Opportunity in Employment Poster

6.0 TAKING APPLICATIONS

Persons wishing to apply for the family public housing will be required to complete an application for housing assistance. Applications will be accepted only during times of open enrollment. Instructions for submitting an application will be provided as part of the announcement opening the waiting list.

Persons wishing to apply for elderly/disabled public housing may request an application by calling 286-5678. Applications will be sent to those individuals and will only be accepted by return mail. Persons with disabilities applying for family housing may only do so during the open enrollment period.

HACM shall do its best, within reason, to assist people with Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP persons using the following four factors in deciding what to do:

- A. The number or proportion of LEP persons served or encountered in the eligible service area;
- B. The frequency with which LEP individuals come in contact with the program;
- C. The nature and importance of the program, activity, or service provided by the program; and
- D. The resources available to HACM and costs.

In addition, HACM will endeavor to have bilingual staff or access to people who speak languages other than English. Finally, HACM shall utilize multilingual "I speak" cards to the maximum degree possible.

Persons who have been evicted or moved under eviction notice issued by the HACM or whose previous application was rejected due to reasons stated in Section 7.4 are required to wait two years from the move out date or date the application was rejected, whichever the case may be, before re-applying.

Applications are taken to compile a waiting list. Due to the demand for housing in HACM's jurisdiction, applications are taken on an open enrollment basis.

Completed applications will be accepted from all applicants and HACM will verify the information.

The completed application will be dated and time stamped by HACM.

Persons with disabilities who require a reasonable accommodation in completing an application may call HACM to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is **(414) 286-3504**.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information, which will be used to place the family on HACM's wait list.

The applicant must report any changes in their applicant status including changes in family composition, income, or address. HACM will annotate the applicant's file and will update their place on the waiting list.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting

list. HACM will ensure the verification of all eligibility factors in order to determine the family's final eligibility for admission into the Public Housing Program.

7.0 ELIGIBILITY FOR ADMISSION

7.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet HACM's screening criteria in order to be admitted to public housing or public housing units located in Low Income Housing Tax Credit (LIHTC) properties.

7.2 ELIGIBILITY CRITERIA

A. Family status.

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

- c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
- 4. A **disabled family**, which is:
 - a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
- 5. A **displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- 6. A **remaining member of a resident family**.
- 7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family.

B. Public Housing Income eligibility

- 1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
- 2. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
- 3. Income limits apply only at admission and are not applicable for continued occupancy.
- 4. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of HACM.
- 5. Income limit restrictions do not apply to families transferring within our

Public Housing Program.

D. Tax Credit Income Eligibility

1. To be eligible for admission to the unit, the family's annual income must be within the limits established for the Low Income Housing Tax Credit Program.
2. Income Limits for the units apply both at the time of admission and are also applicable at the time of annual re-certification.
3. Applicants who apply for admission to any public housing unit at a low income housing tax building must meet the eligibility tests set forth herein before any further screening steps are undertaken. These requirements cannot be waived, nor are they subject to mitigating circumstances.
4. An applicant for admission to any unit must meet all statutory and regulatory eligibility requirements for admission, except to the extent that any such requirements may be made applicable to, or modified with respect to, units in a mixed finance development. As of this date such requirements include the following:
 - a. The applicant must be an elderly family and must be income-eligible.
 - b. An income-eligible family is a family whose annual income does not exceed the applicable low-income family income limit for the family size in the area as published periodically by HUD and/or Wisconsin Housing and Economic Development Authority (WHEDA, or its successor).

E. Citizenship/Eligibility Status

1. To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.
2. Family eligibility for assistance.
 - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.

- b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the noncitizen rule)
- c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

F. Social Security Number Documentation

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

G. Signing Consent Forms

- 1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
- 2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or HACM to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
 - b. A provision authorizing HUD or HACM to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
 - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
 - d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.
 - e. Authorization to obtain credit reports.
 - f. Authorization to obtain criminal reports from local, state & federal courts & law enforcement agencies.

7.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent

behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. HACM will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other residents, HACM 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. HACM will consider objective and reasonable aspects of the family's background, including the following:

1. History of meeting financial obligations, especially rent;
2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other residents;
3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
4. History of disturbing neighbors or destruction of property;
5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

C. HACM will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. HACM 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; and all persons over the age of 18.
2. A rental history check of all adult family members;
3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the

individual has lived outside the local area, HACM may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);

4. A 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 or public housing units located in Low Income Housing Tax Credit (LIHTC) properties.

7.4 GROUNDWORK FOR DENIAL

HACM is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process or fail to supply the information in a timely manner;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other residents;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell,

distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. HACM may waive this requirement if:
 - 1. The person demonstrates to HACM's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3. Has otherwise been rehabilitated successfully; or
 - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any HACM staff or residents;
- N. Have a household member who has ever been evicted from public housing;
- O. For public housing units located in a Low Income Housing Tax Credit property, any household member expected to be living in the unit evicted from any property;
- P. Have a family household member who has been terminated under the voucher program;
- Q. Have an outstanding warrant under any relevant police jurisdiction;
- R. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- S. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

7.5 INFORMAL REVIEW

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

The informal review will be conducted by a person designated by HACM, other than a person who made or approved the decision under review or subordinate of this person. The applicant will be given the opportunity to present written or oral objections to HACM's decision. HACM will notify the applicant of the final decision within 20 business days after the informal review, including a brief statement of the reasons for the final decision. If the decision to deny housing is affirmed, the applicant will be ineligible to apply for housing for a period of 24 months.

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

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

8.0 MANAGING THE WAITING LIST

8.1 *OPENING AND CLOSING THE WAITING LIST*

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

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

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

8.2 *ORGANIZATION OF THE WAITING LIST*

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

- A. The application will be either an electronic and/or paper file;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and

8.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within three (3) months of being offered a unit, the family will be invited to an interview and the verification process will begin

The family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

8.4 PURGING THE WAITING LIST

HACM will update and purge its waiting list on a regular basis to ensure that the pool of applicants reasonably represents the interested families for whom HACM has current information, i.e. applicant's address, family composition, income category, and preferences. It will be applicant's responsibility to notify HACM of any changes in address.

8.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

HACM will remove an applicant's name from the waiting list if:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
- C. The applicant does not meet the eligibility criteria for the program.

8.6 MISSED APPOINTMENTS

- A. All applicants who fail to keep a scheduled appointment with HACM will be withdrawn from the program.
- B. An applicant removed from the waiting list for any reason other than rejection may reactivate their application by submitting a written request along with the payment of a \$50.00 reactivation fee. Applications may only be reactivated within three years of the date they were removed from the waiting list.

9.0 TENANT SELECTION AND ASSIGNMENT PLAN

9.1 PREFERENCES

HACM will select families based on the following preferences within each bedroom size category:

- A. Most in need
- B. Broad range of income
- C. Placement from HACM-owned nonsubsidized housing
- D. Designated housing
- E. All others

The date and time of application will be noted and utilized to determine the wait list.

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

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

Buildings Designated as Elderly Only Housing: The Arlington Court, Becher Court, College Court, Convent Hill, Lapham Park, Merrill Park and Mitchell Court developments have been approved by HUD as being designated for elderly only. In filling vacancies in these developments, first priority will be given to elderly families. If there are no elderly families on the list, next priority will be given to the near elderly. If there are no near-elderly, units will be offered to families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features who reside in the development that has the vacancy. If there are no families residing in that development needing the accessible unit, it shall then be offered to families residing in other developments who may benefit from the accessible unit. If there are no families residing in the other developments needing the accessible unit, it shall then be offered to applicants on the waiting list who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at HACM's expense) if, at a future time, a family requiring an accessible feature applies or a family requires a transfer from a non-accessible unit. Any family required to transfer will be given a 30-day notice.

Catastrophic Life: The Housing Authority will accept referrals from third party agencies (i.e. social service, law enforcement, medical professionals) to consider those

individuals who are currently experiencing extenuating circumstances that may warrant immediate housing consideration. In evaluating these requests, the Housing Authority will take into consideration, on a case-by-case basis, the severity of the extenuating circumstances and if, based on those circumstances, the referred individual warrants immediate housing consideration over all other applicants on the waiting list. Persons whose situations do not meet these criteria are not entitled to any type of appeal of this decision (as described in Section 7.5 Informal Review) but are allowed to submit an application for housing if the waiting list is open. Individuals whose situations do warrant special consideration under this policy must meet the Housing Authority's screening and eligibility criteria.

9.2 ASSIGNMENT OF BEDROOM SIZES

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

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

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. A family may choose to over occupy a dwelling unit up to the limit imposed by the Milwaukee Building Code.

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

In addition, the following considerations may be taken in determining bedroom size:

- A. Adults and children will not be required to share a bedroom.
- B. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
- C. Live-in aides are eligible for a separate bedroom if available.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. HACM will allow the smaller size unit so long as the occupancy will not violate the city building code. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for 3 years or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. HACM will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

9.3 SELECTION FROM THE WAITING LIST

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

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

The Housing Authority has adopted a broad range of income policy. When monitoring the incomes of newly admitted families, HACM may select families, regardless of their application date and time stamp, who may assist HACM in achieving its broad range of income objective. To achieve this objective, applicants may be selected from the waiting list whose total annual household income (based on family size) is extremely low (0-30% of AMI); or very low (>30% but <50% of AMI); or low income (>50% but <80% of AMI) based on the most recent income limits provided by HUD.

Under this policy, all income will be verified. If income verification indicates that the applicants selected under this preference do not meet the criteria for broad range of income preference, they will be placed back on the waiting list in date/time stamp order. If income verification documents they meet the broad range of income preference and they meet all other selection criteria, they may be offered a unit over other applicants on the waiting list.

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

9.4 *DECONCENTRATION POLICY*

It is HACM's policy to make its best efforts to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, HACM will skip families on the waiting list to reach other families with a lower or higher income. HACM will accomplish this in a uniform and non-discriminating manner.

HACM will affirmatively market its housing to all eligible income groups.

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

9.5 *DECONCENTRATION INCENTIVES*

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

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

9.6 *OFFER OF A UNIT*

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

HACM will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given seven (7) business days from the date the letter was mailed to contact HACM regarding the offer.

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

9.7 REJECTION OF UNIT

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

If HACM did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will be dropped from the wait list.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, proximity to work, school, and childcare (for those working or going to school).

9.8 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

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

The signing of the lease and the review of financial information will be conducted privately. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and HACM will retain the original executed lease in the resident's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to one month's rent or \$150.00, whichever is greater

In exceptional situations, HACM reserves the right to allow a new resident to pay their security deposit in installments to be negotiated by the site manager.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

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

10.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

To determine annual income HACM counts the income of all family members, excluding the types and sources of income that are specifically excluded. HACM will calculate income using the exact amount of dollars and cents and will not round any money amounts. Once the annual income is determined, HACM subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

10.1 ANNUAL INCOME

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

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

Annual income includes, but is not limited to:

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

family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare Assistance
 - 1. Welfare assistance payments
 - a. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
 - i: Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
 - ii: Are not otherwise excluded under paragraph Section 10.2 of this Policy.
 - b. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - i: The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - ii: The maximum amount that the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

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

10.2 EXCLUSIONS FROM ANNUAL INCOME

Annual income does not include the following:

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

incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the housing authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits received by any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.

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

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

- 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- 14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- 15. Amounts specifically excluded by any other Federal statute from

consideration as income for purposes of determining eligibility or benefits. These exclusions include:

- a. The value of the allotment of food stamps
- b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
- c. Payments received under the Alaska Native Claims Settlement Act
- d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of childcare under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program.
- p. Additional income exclusions provided by and funded by HACM.
 1. All families shall be eligible for a one-time household exclusion of the first \$2000 of earned income from adult household members working at least 30 hours per week.
- q. Kinship Guardian Assistance Payments (Kin-GAP) and other

similar state payments made to children leaving the juvenile court system to live with a relative or legal guardian.

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

10.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
 - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
 - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- E. Child care expenses.

11.0 VERIFICATION

It shall be the responsibility of the tenant to provide documentation required to verify eligibility for admission or continued occupancy, including information required to determine income and rent. HACM will verify information related to eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide

and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

11.1 ACCEPTABLE METHODS OF VERIFICATION

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

Other information will be verified by the following five verification methods acceptable to HUD, in the order of preference indicated:

1. Enterprising Income Verifications (EIV)

EIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current EIV resources include the following:

- a. Tenant Assessment Subsystem (TASS)** – HUD’s online system for Social Security (SS) and Supplemental Security Income (SSI) information.
- b. State Wage Information Collection Agencies (SWICAs)**
- c. State systems for the Temporary Assistance for Needy Families (TANF) program**
- d. Credit Bureau Information (CBA) credit reports**
- e. Internal Revenue Service (IRS) Letter 1722**
- f. Private sector databases (e.g. The Work Number)**

The HACM will use additional EIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate.

It is important to note that EIV data will only be used to verify a participant’s eligibility for participation in a rental assistance program and

to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters EIV Security System Administrator, is specifically prohibited and will not occur.

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

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

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

2. Third –Party Written Verifications

This type of verification includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

Third-party written verifications may also be used to supplement Enterprising Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the EIV results.

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line systems. If either of these forms of verification are not obtainable, then the file shall be documented as to why third party verification was not used.

The HACM will allow two (2) weeks for the return of third party written verifications prior to continuing on to the next type of verification.

3. Third-Party Oral Verifications

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The HACM will allow ten (10) business days for the return of third party oral verifications prior to continuing on to the next type of verification.

4. Review of Documents

When EIV, written and oral third party verifications are not available within the two (2) week and ten (10) business days period allowed in paragraphs 2 and 3 above, the HACM will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

5. Self-Certification and Self-Declaration

When EIV, written and oral third party verifications are not available within the two (2) week and ten (10) business days period allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the HACM will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

When any verification method other than Enterprising Income Verification is utilized, the HACM will document the reason for the choice of the verification methodology in the applicant/resident’s file.

11.2 TYPES OF VERIFICATION

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

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other medical professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Medicare Discount Card		A card with the words "Medicare Approved" on it.
Medicare Discount Benefit		Individual receipts if the pre-discount cost is included; a comparison of receipts before and after the application of the discount; other information provided by the pharmacy supplying the prescription; or if nothing else is available; an imputed value of \$48.17 per prescription.
Value of and Income from Assets		

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
Interest earned on savings, checking accounts	Letter from institution	Passbook, most current statements
Interest earned on CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Interest earned on Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Social Security Administration Benefits		Letter from Social Security as verified by HUD computer systems.
Periodic payments (i.e., welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program	Letter from program provider	N/A

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
participation	indicating - whether enrolled or completed - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion	Evidence of job start

11.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

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

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

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

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

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

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

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

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

If HACM determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

11.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

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

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

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

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

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

11.5 TIMING OF VERIFICATION

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

When an interim reexamination is conducted, the Housing Authority will verify and update those elements related to family circumstances and level of assistance. (That have changed since the last eligibility recertification.)

11.6 FREQUENCY OF OBTAINING VERIFICATION

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

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

12.0 DETERMINATION OF TOTAL TENANT PAYMENT AND RENT

12.1 FAMILY CHOICE

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

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

Families who opted for flat rent and request to return to the formula based method are not eligible to return to flat rent until their next re-examination.

12.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income; or
- B. 30% of adjusted monthly income

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00.

In the case of a family who has qualified for the income exclusion at Section 10.2(H)(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

12.3 MINIMUM RENT

HACM has set the minimum rent at \$50.00 per month. However if the family requests a hardship exemption, HACM will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with Section 18 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

12.4 THE FLAT RENT

HACM has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 14.3).

HACM will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

12.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

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

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

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

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

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

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

12.6 UTILITY ALLOWANCE

HACM has established a utility allowance for all resident-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, HACM will review the actual consumption of resident families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The utility allowance will be subtracted from the family's formula rent to determine the amount of the Tenant Rent. Residents who choose the flat rent option are responsible for paying their own utilities (Sec. 960.253(b)(4)). The Tenant Rent is the amount the family owes each month to HACM. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the

responsibility of the resident. Any savings resulting from utility costs below the amount of the allowance belongs to the resident.

At developments with master metering, HACM will monitor the utility consumption of each household. Any consumption in excess of the allowance established by HACM will be billed to the resident monthly.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

Families with high utility costs are encouraged to contact HACM for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Requests for relief from surcharges for excess consumption of HACM purchased utilities or from payment of utility supplier billings in excess of the utility allowance for resident-paid utility costs may be granted by the Housing Authority on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.

12.7 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid through HACM's mail-in procedure. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment

If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued. In addition, a \$25.00 late charge will be assessed to the resident. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$20.00 for processing costs.

13.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

13.1 GENERAL

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

13.2 EXEMPTIONS

The following adult family members of tenant families are exempt from this requirement.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity
- E. Family members who are exempt from work activity under Part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

13.3 NOTIFICATION OF THE REQUIREMENT

HACM shall identify all adult family members who are apparently not exempt from the community service requirement.

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

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

13.4 VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community. A list of volunteer activities will be provided at each development and will include volunteer service to the resident council as a qualifying activity.

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

13.5 THE PROCESS

At the first annual reexamination on or after issuance of regulations, and each annual reexamination thereafter, HACM will do the following:

- A. Provide a notice regarding the volunteer service requirement.
- B. Request third party verification that at least 8 hours per month of qualifying volunteer community service has been performed.

13.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

HACM will notify any family found to be in noncompliance of the following:

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

13.7 OPPORTUNITY FOR CURE

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

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, HACM shall take action to terminate the

lease.

14.0 RECERTIFICATIONS

At least annually, HACM will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the family's continued eligibility (2) the rent the family will pay, and (3) whether the family is housed in the correct unit size.

14.1 GENERAL

HACM will send a letter to residents informing them it is time for their annual recertification and the date and time of their scheduled re-examination meeting. The letter informs them of what they will need to bring to the meeting and that the information on the Application for Client Worksheet will be reviewed and updated. All adult household members will be required to sign forms to allow the Housing Authority to verify the family's eligibility to remain in public housing, whether their rent will increase, decrease or remain the same and if the household unit size is appropriate for the number of persons living in it. Upon determination of the rent to be paid, the resident will be sent A Notice of Rent Adjustment along with a letter giving them the option to select flat rent or the formula-based method.

14.2 MISSED APPOINTMENTS

Families that miss their re-examination meetings and have not called to reschedule that meeting will be sent a 48-Hour Notice to contact the Management Office or Rental Specialist to get another meeting date. The 48-Hour Notice will also advise that the family's failure to reschedule and attend the re-examination meeting could result in HACM taking eviction actions against them.

14.3 FLAT RENTS

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income. (Families who opt for the flat rent option will not be eligible for a utility allowance.)
- D. Families who opt for the flat rent will be required to go through the income

reexamination process every three years, rather than the annual review they otherwise would undergo.

- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which HACM expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year 90 days prior to their anniversary date, HACM will send a reexamination notice to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. HACM may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with their site manager, they may make the selection on the form and return the form to HACM.

14.4 THE FORMULA METHOD

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

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

The total tenant payment is equal to the highest of:

- A. 10% of monthly income; or
- B. 30% of adjusted monthly income

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00

per month.

14.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

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

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

If HACM determines that the family has had an increase in income of more than \$85.00 per month that was not reported since the last annual recertification, HACM will determine the appropriate new rent amount and will charge the resident this new amount retroactive to the date that the rent change would otherwise have been effective.

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

14.6 INTERIM REEXAMINATIONS

Families will be required to report any increase in income greater than \$85.00 per month within 10 days of the date of the increase. As long as the family properly reports this increase, the additional income will not be used to determine rent until the next regularly scheduled annual eligibility recertification. In cases where a household has been on a minimum rent or under a hardship situation, any increase in income will result in an interim reexamination and the appropriate adjustment in rent.

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

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

In order to add a household member other than through birth or adoption, the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant and pay a \$50.00 processing fee. If the requested lease add-on is an adult, at least 18 years of age or older (excluding live-in aide). The individual must provide their Social Security number, if they have one, and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the

family.) The new family member will go through the same screening process as for new applicants. HACM will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review through HACM's Grievance Procedure. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph 14.8.

In cases where a resident requests a live-in aide, the procedure mentioned for adding a family member does not apply. Requests for live-in aides are considered reasonable accommodation requests (see Section 2.0). As such, the resident needs to submit a reasonable accommodation request to their housing manager and provide supporting documentation verifying the need for a live-in aide. The Housing Authority does conduct background checks for all live-in aides and reserves the right to deny the person as a live-in aide if the aide does not meet the Housing Authority's screening criteria.

In addition, the need for a live-in aide must meet the definition of a live-in aide (see 24CFR 5.403(b) found on page 62 of this document). In cases where the request for a live-in aide is approved, the income of the live-in aide is excluded, the resident is responsible for the conduct of their live-in aide and the resident must remain lease compliant. A live-in aide also does not qualify as a remaining member of the household under the definition of family found in Section 7.0 (Eligibility for Admission).

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

14.7 SPECIAL REEXAMINATIONS

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

14.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

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

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

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

15.0 UNIT TRANSFERS

15.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting HACM's deconcentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.
- G. To allow qualified residents to take advantage of HACM's designated housing plan (high-rise developments only)

15.2 CATEGORIES OF TRANSFERS

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category 2: Incentive transfers. These transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Category 3: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category 4: Regular administrative transfers. These transfers are made to offer incentives

to families willing to help meet certain HACM occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, to allow qualified residents to take advantage of HACM's designated housing plan (i.e. to transfer from a mixed population to an elderly-only high-rise building), and other transfers approved by HACM when a transfer is the only or best way of solving a serious problem.

15.3 DOCUMENTATION

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

15.4 TRANSFERS TO SCATTERED SITES PUBLIC HOUSING

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a resident for at least twelve months prior to date of application.
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least forty (40) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. The family is current in the payment of all charges owed HACM and has not paid late rent for at least one year;
- D. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- E. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of residents or Housing Authority staff.

Residents of low rent public housing shall not be eligible to add adult members to a dwelling lease during the initial year of occupancy and shall not be eligible to request a transfer until such year is completed. The Housing Authority may consider, at its discretion circumstances which may represent and warrant hardship exception to this requirement.

15.5 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfer offers will be made at a ratio of one transfer for every seven admissions and will be prioritized from category 1 (highest) to category 4.

Upon offer and acceptance of a unit, the family will execute all lease-up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

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

- A. If the family rejects a transfer offer, they will be removed from the transfer waiting list.
- B. If the transfer is being made at the request of HACM and the family rejects two offers without good cause, HACM will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet HACM's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed the city building code.
- C. Only the "Head of Household" as listed on the current dwelling lease will be eligible to request a transfer.

15.6 COST OF THE FAMILY'S MOVE

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

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

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

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

inhabitable.

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

15.7 RESIDENTS IN GOOD STANDING

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

15.8 TRANSFER REQUESTS

A resident may request a transfer at any time by completing a transfer request form. In considering the application, the Manager may request a meeting with the resident to better understand the need for transfer and to explore possible alternatives.

HACM will grant or deny the transfer request in writing within thirty (30) business days of receiving the request or holding the meeting, whichever is later.

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

15.9 RIGHT OF HACM IN TRANSFER POLICY

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a resident to transfer or refuse to transfer. HACM reserves the right to cancel a transfer at any time for good cause including but not limited to the family is no longer a resident in good standing as defined in Section 15.7, is pending eviction or the reason for the transfer no longer exists.

16.0 INSPECTIONS

16.1 MOVE-IN INSPECTIONS

The on-site housing manager and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign and date a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the resident file.

16.2 ANNUAL INSPECTIONS

HACM will inspect each public housing unit at least annually to ensure that each unit meets HACM's housing standards. Work orders will be submitted and completed to correct any deficiencies.

16.3 PREVENTATIVE MAINTENANCE INSPECTIONS

These inspections are generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

16.4 SPECIAL INSPECTIONS

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

16.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, HACM will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition. Generally, housekeeping will be evaluated at annual unit inspections. Special follow-up inspections may be scheduled by the on-site manager to address deficiencies in housekeeping identified by annual or other unit inspections. HACM reserves the right to document any and all inspections by taking pictures of observed deficiencies.

16.6 NOTICE OF INSPECTION

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

16.7 EMERGENCY INSPECTIONS

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

16.8 MOVE-OUT INSPECTIONS

The on-site manager, or designee, conducts the move-out inspection after the resident vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the resident is notified of the inspection and is encouraged to be

present. This inspection becomes the basis for any claims that may be assessed against the security deposit. A copy of the signed inspection will be placed in the resident file.

17.0 PET POLICY

Family Developments

1. Dogs and cats are permitted only in the single-family homes at Scattered Sites. All pets must be registered with HACM. You must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time subject to the HACM's grievance procedure if the animal becomes destructive, a nuisance, or a health or safety hazard to the other residents, or if you fail to comply with the following:
 - * A maximum number of two pets are allowed. Only one can be either a dog or a cat.
 - * Permitted pets are limited to domesticated dogs, cats, birds (no more than two) and fish. No adult dog or cat weighing more than 30 pounds will be permitted.
 - * Dogs and cats are to be licensed yearly with the City of Milwaukee (located in City Treasurer's Office, City Hall, Room 101), and residents must provide proof of yearly vaccinations. Dogs and cats must be vaccinated yearly for distemper and rabies. No vicious or intimidating dogs are allowed.
 - * All cats and dogs must be spayed or neutered within a year of acquisition.
 - * No pet may be kept in violation of state humane or health laws, or local ordinances.
 - * Dogs and cats must remain inside a resident's unit unless they are on a leash and directly controlled by an adult.
 - * You are to provide a litter box for cat waste to be kept in your apartment. You are not allowed to let waste accumulate. You are responsible for properly disposing of cat waste in plastic bags that are securely wrapped and tied and placed in the garbage container provided by HACM outside the building.
 - * You are responsible for promptly cleaning up pet droppings from your pet outside of your apartment, and disposing of droppings properly wrapped, in the garbage container provided by HACM outside the building.
 - * You shall take adequate precautions to eliminate any pet odors within or around your apartment and maintain your apartment in a sanitary condition at all times as determined by HACM.
 - * You shall not permit any disturbance by your pet that would interfere with the peaceful enjoyment of other residents, whether by loud barking, howling, biting, scratching, chirping, or other such activities.
 - * If pets are left unattended in your apartment for twenty-four hours or more, staff may enter to remove the pet and transfer it to the proper authorities subject to the provisions of Section 948.15 of Wisconsin State Law or local ordinances. HACM accepts no responsibility for the pet under such circumstances.
 - * You shall not alter your apartment, or building premises to create an enclosure for an animal.
 - * You are responsible for all damages including cost of fumigation caused by your pets.
 - * You are prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without permission.

- * You shall pay a damage deposit for a dog or a cat. The deposit shall be paid in advance or upon acquiring your pet. This deposit is refundable if no damage is done, as verified by HACM, after you remove the pet or move. See your housing manager for further information.
 - * You must identify an alternate custodian for your pet in the event you become ill or for other absences from your apartment.
2. Small birds, in cages, and fish aquariums are allowed at other family developments.
- * You will be responsible for any damage caused by leaking fish tanks or inappropriate care of authorized pets.
 - * Your guests may not bring pets when they visit.
 - * You may not keep pets on a temporary basis even though someone else owns the pet.
 - * You may not keep stray animals. The repeated feeding of stray animals may be deemed as having a pet.
 - * Contact your development office if you have any questions regarding keeping other pets in your unit.
3. Animals used to assist a visually, hearing, or mobility impaired person will be allowed if you or a member of your household has a documented need, provided:
- * Appropriate documentation is submitted to your housing manager requesting a reasonable accommodation.
 - * You are responsible for any damage caused by the animal.
 - * The animal must be licensed and vaccinated in accordance with local City ordinances.
 - * You must post a notice on the front and rear entrance doors to your apartment stating that you have a service pet so that HACM staff or service providers who may need to enter your apartment are aware of the pet.

Housing for Elderly/Disabled

If you are residing in low-income housing buildings exclusively for the elderly, handicapped, or disabled persons, you are permitted to keep pets.

All pets must be registered with HACM. You must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time subject to the HACM's grievance procedure if the animal becomes destructive, a nuisance, or a health or safety hazard to the other residents, or if you fail to comply with the following:

1. A maximum number of two pets are allowed. Only one can be either a dog or a cat.
2. Permitted pets are limited to domesticated dogs, cats, birds (no more than two) and fish. No adult dog or cat weighing more than 30 lbs. will be permitted.
3. Dogs and cats are to be licensed yearly with the City of Milwaukee (located in City Treasurer's Office, City Hall, Room 101), and residents must provide proof of yearly

vaccinations. Dogs and cats must be vaccinated yearly for distemper and rabies. No vicious or intimidating dogs are allowed.

4. All cats and dogs must be spayed or neutered within a year of acquisition.
5. No pet may be kept in violation of state humane or health laws, or local ordinances.
6. Dogs and cats must remain inside a resident's unit unless they are on a leash and directly controlled by an adult. Birds must be confined to a cage at all times.
7. You are to provide a litter box for cat waste to be kept in your apartment. You are not allowed to let waste accumulate. You are responsible for properly disposing of cat waste in plastic bags that are securely wrapped and tied and placed in the garbage container provided by HACM outside the building.
8. You are responsible for promptly cleaning up pet droppings from your pet outside of your apartment on HACM property, and disposing of droppings properly wrapped, in the garbage container provided by HACM outside the building.
9. You shall take adequate precautions to eliminate any pet odors within or around your apartment and maintain your apartment in a sanitary condition at all times as determined by HACM.
10. You shall pay a damage deposit for a dog or a cat. The deposit shall be paid in advance or upon acquiring your pet. The deposit is refundable if no damage is done, as verified by HACM, after you remove the pet or move. See your housing manager for further information.
11. You shall not permit any disturbance by your pet that would interfere with the peaceful enjoyment of other residents, whether by loud barking, howling, biting, scratching, chirping, or other such activities.
12. If pets are left unattended in your apartment for twenty-four hours or more, staff may enter to remove the pet and transfer it to the proper authorities subject to the provisions of Section 948.15 of Wisconsin State Law or local ordinances. HACM accepts no responsibility for the pet under such circumstances.
13. You must identify an alternate custodian for your pet in the event you become ill or for other absences from your apartment.
14. You shall not alter your apartment, or building premises to create an enclosure for an animal.
15. You are responsible for all damages including cost of fumigation caused by your pets.
16. You are prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without permission.

17. You shall pay a damage deposit for each pet. The deposit shall be paid in advance or upon acquiring your pet. This deposit is refundable if no damage is done, as verified by HACM, after you remove the pet/pets or move.
18. Those who violate these rules are subject to:
 - * Being required to get rid of the pet within fourteen days of notice by HACM; and/or
 - * Being determined to be in violation of the lease.

18.0 REPAYMENT AGREEMENTS

When a resident owes HACM back charges and is unable to pay the balance by the due date, the resident may request that the Housing Authority allow them to enter into a Repayment Agreement. The on-site Manager has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

HACM may require all repayment agreements for delinquent rent to be executed through a formal court stipulation.

19.0 TERMINATION

19.1 TERMINATION BY RESIDENT

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

19.2 TERMINATION BY THE HOUSING AUTHORITY

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

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;

- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on any HACM property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on HACM premises;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen 14 consecutive or 28 calendar days each year without the prior written approval of the Housing Authority; and
- M. Subject to HUD regulations. HACM will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.
- N. HACM will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.
- O. An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

HACM may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

HACM will honor court orders regarding the rights of access or control of the property, including temporary restraining orders, injunctions, domestic violence orders, and other orders issued to protect the victim or to address the distribution or possession of property among household members where the family “breaks up”.

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

There is no prohibition on HACM evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated”.

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

HACM may require certification by the victim of victim status on such forms as HACM shall prescribe or approve.

P. Other good cause

19.3 ABANDONMENT

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

When a unit has been abandoned, the on-site manager or designee may enter the unit and remove any abandoned property. If the property is valued at \$1000 or more, it will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold. If HACM does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

Within 21 days of learning of an abandonment, HACM will either return the deposit or provide a statement of why the deposit is being kept.

19.4 RETURN OF SECURITY DEPOSIT

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

20.0 ANTI-FRAUD POLICY

The HACM is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the

omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the HACM. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

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

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

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

21.0 ELECTION POLICY

Per Wisconsin Statutes, no person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. The following guidelines should be followed with regard to election activities at high-rise developments and family and middle-income developments and scattered sites:

High-rise Developments:

- A. Per Housing Authority policy passed by the Board of Commissioners in 1979, door-to-door campaigning in HACM high-rise apartment buildings is prohibited.
- B. Instead, open houses will be scheduled at each apartment building before each election, allowing all candidates to meet residents and campaign on a specified date and during a specified time. During the open house, the candidates must stay in the common area and shall not go door-to-door throughout the building.
- C. Resident organizations could decide to invite elected officials, their representatives or other candidates to speak at or distribute literature at resident organization meetings. However, during election campaigns, if a resident

organization allows one candidate to appear at a resident meeting/event (even if (s)he is their current elected official), they should allow any candidate who requests to appear at resident meetings/events.

D. Resident organizations may not endorse one political candidate over another.

E. Individual residents may invite candidates at any time up to their unit to speak to them and/or friends, if they wish. In this case, they must meet the candidate at the door and must accompany them to their unit, in compliance with rules over visitors to buildings. Candidates may not go door-to-door, even if the resident accompanies them.

F. Individuals are allowed to post campaign signs in their windows or on their doors. No campaign signs or materials are allowed in common areas or on the grounds.

Family and Middle-Income Developments and Scattered Sites:

A. Candidates may go door-to-door in family developments to campaign or distribute literature.

B. Resident organizations could decide to invite elected officials, their representatives or other candidates to speak at or distribute literature at resident organization meetings. However, during election campaigns, if a resident organization allows one candidate to appear at a meeting/event (even if (s)he is their current elected official), they must allow any candidate who requests to appear at resident meetings/events.

C. Resident organizations may not endorse one political candidate over another.

D. Individuals are allowed to post campaign signs in their windows or on their yard.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

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

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

Broad Range of Income: Total annual household income (based on family size) is very low (>30% but <50% of AMI) or low income (>50% but <80% AMI) based on the most recent income limits provided by HUD.

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

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

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

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

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

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

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

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

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

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

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

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

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

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

Disabled Person: See "person with disabilities."

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

Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

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

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

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

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

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

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

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

Family includes but is not limited to:

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

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

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

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

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

Full-Time Student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

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

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

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

Immediate Family Member – means, with respect to a person –

(A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

(B) any other person living in the household of that person and related to that person by blood or marriage.

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

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

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

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

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

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

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

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

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

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

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

Near-Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

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

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

Person with Disabilities: A person who:

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

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

An individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

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

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

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

"Severe chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

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

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

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR5.520)

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

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

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

Resident in Good Standing: A resident who is compliant with their lease and current in all payments to the Housing Authority.

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

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

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

Stalking – means –

(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –

(i) that person;

(ii) a member of the immediate family of that person; or

(iii) the spouse or intimate partner of the person.

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by

the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

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

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

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

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

Total Tenant Payment (TTP):

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

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

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

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

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

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

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

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

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

It includes such benefits even when they are:

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

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

The term “assistance” excludes:

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

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

ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment
TANF	Temporary Assistance to Needy Families
W-2	Wisconsin Welfare Reform Program
VAWA	Violence Against Women Act